



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

साप्ताहिक
WEEKLY

सं० 15] नई दिल्ली, अप्रैल 9—अप्रैल 15, 2006, शनिवार/चैत्र 19—चैत्र 25, 1928
No. 15] NEW DELHI, APRIL 9—APRIL 15, 2006, SATURDAY/CHAITRA 19—CHAITRA 25, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक् संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 4 अप्रैल, 2006

का. आ. 1422.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में राजस्व विभाग के अधीन केन्द्रीय उत्पाद एवं सीमा शुल्क बोर्ड के निम्नलिखित क्षेत्रीय कार्यालयों को, जिनके 80 प्रतिशत कर्मचारीवृंद ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. केन्द्रीय उत्पाद शुल्क एवं सीमा शुल्क आयुक्तालय (मुख्यालय कार्यालय) केन्द्रीय उत्पाद शुल्क भवन, धमतरी रोड, टिकरापारा, रायपुर-492001।
2. उप आयुक्त, रायपुर प्रभाग, रायपुर।
3. उप आयुक्त, भिलाई प्रभाग-I, केन्द्रीय राजस्व भवन, नजदीक रायपुर नाका, भिलाई, जिला दुर्ग-490006।
4. सहायक आयुक्त, भिलाई प्रभाग-II, केन्द्रीय राजस्व भवन, नजदीक रायपुर नाका, भिलाई, जिला दुर्ग-490006।

5. सहायक आयुक्त, बिलासपुर प्रभाग, रिपि भवन, नेहरु चौक, बिलासपुर-495001।

[फा.सं. 11013(01)2005-हिन्दी-2]

मधु शर्मा, निदेशक (रा.भा.)

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 4th April, 2006

S.O. 1422.—In pursuance of sub-rule (4) of rule 10 of the Official Language (Use for Official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices under the Board of Central Excise & Customs, Department of Revenue the 80% staff whereof have acquired the working knowledge of Hindi.

1. Office of the Commissioner (Headquarter), Customs and Central Excise, CR Bldg. Dhamtari Rd., Tikrapara, Raipur-492001.
2. Dy. Commissioner, Raipur Division, Raipur

3. Dy. Commissioner, Bhillai Division No.I, CR Bldg., Near Raipur Naka, Bhillai, Distt. Durg-490006

4. Asstt. Commissioner, Bhillai Division No.II, CR Bldg., Near Raipur Naka, Bhillai, Distt. Durg-490006

5. Asstt. Commissioner, Bilaspur Division, Rishi Bhavan, Nehru Chowk, Bilaspur-495001

[F.No.11013(01)2005-Hindi-2]

MADHU SHARMA, Director (OL)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 10 मार्च, 2006

(आयकर)

का. आ. 1423.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "दक्षिणेश्वर रामकृष्ण संघ अद्यपीठ, कोलकाता" (इसके बाद "संस्था" कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2004-2005 से 2006-2007 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न, तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा;

(v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

[अधिसूचना सं.56/2006/फा.सं.197/09/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 10th March, 2006

(Income-tax)

S.O. 1423.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Dakshineswar Ramkrishna Sangha Adyapeeth, Dakshineswar, Kolkata" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for assessment years 2004-2005 to 2006-2007, subject to the following conditions namely:—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in

accordance with the provisions of the Income-tax Act, 1961;

- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No.56/2006/F.No.197/09/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 10 मार्च, 2006

(आयकर)

का. आ. 1424.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि “तमाना, वसंत विहार, नई दिल्ली” (इसके बाद “संस्था” कहा गया है) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2005-2006 से 2006-2007 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी:

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

(iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा;

(v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पतियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 57/2006/फा.सं. 197/66/2005-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 10th March, 2006

(Income-tax)

S.O. 1424.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Tamana, Vasant Vihar, New Delhi” (hereinafter referred to as the ‘Institution’) shall not be included in the total income of such person as assessable for the assessment years 2005-2006 to 2006-2007, subject to the following conditions namely:—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in

accordance with the provisions of the Income-tax Act, 1961;

- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 57/2006/F.No. 197/66/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 16 मार्च, 2006

(आयकर)

क्रा. आ. 1425.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि किसी व्यक्ति के द्वारा "कृष्णमूर्ति फाउंडेशन इंडिया, चेन्नई" (आज के पश्चात् "संस्था") के नाम पर प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2005-06 से 2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में निर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जवर-जवाहिरात, जर्नीयर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों;

- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी निश्चित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;

- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पतियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

[अधिसूचना सं. 68/2006/फा.सं. 197/14/2006-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 16th March, 2006

(Income-tax)

S.O. 1425.—In exercise of the powers conferred by sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Krishnamurthy Foundation India, Chennai" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2005-2006 to 2007-2008, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise then in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;

- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No.68/2006/F.No.197/14/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 16 मार्च, 2006

(आयकर)

का.आ. 1426.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि किसी व्यक्ति के द्वारा "माता अमृतानन्दमयी मठ, अमृतापुरी, कोल्लम जिला, केरल" (आज के पश्चात् "संस्था") के नाम पर प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2000-2001 से 2002-2003 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :—

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए

प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पतियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 69/2006/फा.सं.197/13/2006-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 16th March, 2006

(Income-tax)

S.O. 1426.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Mata Amrithanandamayi Math, Amritapuri, Kollam Distt., Kerala" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for assessment years 2000-2001 to 2002-2003, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the

objectives of the Institution and separate books of account are maintained in respect of such business;

- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 69/2006/F.No.197/13/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 16 मार्च, 2006

(आयकर)

का. आ. 1427.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि किसी व्यक्ति के द्वारा "एस.ओ. एस. चिल्ड्रेन्स विलेजेस ऑफ इंडिया, नई दिल्ली" (इसके बाद "संस्था" कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2003-2004 से 2005-2006 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :—

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब

तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

- (iv) संस्था आय-कर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पतियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 70/2006/फा.सं.197/115/2005-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 16th March, 2006

(Income-tax)

S.O. 1427.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "SOS Children's Villages of India, New Delhi" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2003-2004 to 2005-2006, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books

of account are maintained in respect of such business;

- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 70/2006/F.No.197/115/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 20 मार्च, 2006

(आयकर)

का. आ. 1428.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "इंस्टीट्यूट आफ मार्केटिंग एण्ड मैनेजमेंट नई दिल्ली" (इसके बाद "संस्था" कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2005-2006 से 2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :—

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए

प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;

- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 72/2006/फा.सं.197/132/2004-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 20th March, 2006

(Income-tax)

S.O. 1428.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Institute of Marketing & Management, New Delhi" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for assessment years 2005-2006 to 2007-2008, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise that in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;

- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No.72/2006/F.No.197/132/2004-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 21 मार्च, 2006

(आयकर)

का. आ. 1429.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80छ की उपधारा (2) के खंड (ख) के प्रावधानों द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उक्त प्रावधानों के प्रयोजनार्थ पूरे भारत में अभिज्ञाति सार्वजनिक पूजा स्थल के रूप में "श्री महाकालेश्वर मंदिर समिति, उज्जैन" को विनिर्दिष्ट करती है।

[अधिसूचना सं.73/2006/फा.सं.176/22/2005-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 21st March, 2006

(Income-tax)

S.O. 1429.—In exercise of the powers conferred by the Provisions of clause (b) of sub-section (2) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby specifies "Shri Mahakaleshwar Mandir Samiti, Ujjain" to be a place of public worship of renown throughout India for the Purpose of the said provisions.

[Notification No.73/2006/F.No.176/22/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 21 मार्च, 2006

(आयकर)

का. आ. 1430.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि किसी व्यक्ति के द्वारा "श्री साई बाबा संस्थान, शिरडी, पो. ऑ. शिरडी जिला अहमदनगर, महाराष्ट्र" (आज के पश्चात् "संस्था") के नाम पर प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2005-2006 से 2007-2008 तक के लिए ऐसे व्यक्ति

की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :—

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पतियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं.74/2006/फा.सं.197/130/2005-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 21st March, 2006

(Income-tax)

S.O. 1430.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Shri Saibaba Sansthan, Shirdi, P.O. Shirdi Distt.

Ahmednagar, Maharashtra” (hereinafter referred to as the ‘Institution’) shall not be included in the total income of such person as assessable for the assessment years 2005-2006 to 2007-2008, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to and organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 74/2006/F.No. 197/130/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 21 मार्च, 2006

(आयकर)

का. आ. 1431.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि किसी व्यक्ति के द्वारा “चिल्ड्रेन्स बुक ट्रस्ट, नई दिल्ली” (इसके बाद “संस्था” कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2004-2005 से 2006-2007 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक् रूप से विचार किया जाएगा।

[अधिसूचना सं. 75/2006/फा.सं. 197/102/2005-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 21st March, 2006

(INCOME-TAX)

S.O. 1431.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Children’s Book Trust, New Delhi” (hereinafter referred to as the ‘Institution’) shall not be included in the total income of such person as assessable for the assessment years 2004-2005 to 2006-2007, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which

established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;

- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to and organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 75/2006/F.No. 197/102/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 21 मार्च, 2006

(आयकर)

का. आ. 1432.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि किसी व्यक्ति के द्वारा "रमन महर्षि सेंटर फॉर लर्निंग, बंगलूर" (इसके बाद "संस्था" कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2005-2006 से 2007-2008 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;

- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशिवाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 76/2006/फ.सं.197/107/2005/आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 21st March, 2006

(Income-tax)

S.O.1432.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Ramana Maharishi Centre for Learning, Bangalore" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2005-2006 to 2007-2008, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant

- to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 76/2006/F.No. 197/107/2005-TA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 21 मार्च, 2006

(आयकर)

का. आ. 1433.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि किसी व्यक्ति के द्वारा "हेल्प्स ऑफ दी हैंडीकेप्ड, कोल्हापुर" (आज के पश्चात् "संस्था") के नाम पर प्राप्त की गई कोई आय निम्नलिखित शर्तों के अध्वधीन कर निर्धारण वर्ष 2004-05 से 2006-2007 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगी;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 77/2006/फा. सं. 197/42/2005/आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 21st March, 2006

(Income-tax)

S.O. 1433.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Helpers of the Handicapped, Kolhapur" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2004-2005 to 2006-2007, subject to the following conditions, namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;

- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 77/2006/F.No. 197/42/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 21 मार्च, 2006

(आयकर)

का. आ. 1434.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि किसी व्यक्ति के द्वारा "पिर हाजी अली दरगाह ट्रस्ट मुम्बई" (आज के पश्चात् "संस्था") के नाम पर प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2000-01 से 2002-2003 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगी;

- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 78/2006/फा. सं. 197/03/2006-आयकर नि.-1]

दीपक गर्ग, अवर सचिव

New Delhi, the 21st March, 2006

(Income-tax)

S.O. 1434.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Pir Haji Ali Dargah Trust, Mumbai" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2000-2001 to 2002-2003, subject to the following conditions, namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to and organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or otherwise,

of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No.78/2006/F.No.197/03/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 27 मार्च, 2006

(आयकर)

का. आ. 1435.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23 ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि किसी व्यक्ति के द्वारा "इंडियन एसोसिएशन ऑफ पार्लियामेन्टेरियन्स ऑन पॉपुलेशन एण्ड डेवलपमेंट, नई दिल्ली" (इसके बाद "संस्था" कहा गया) की ओर से प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2001-2002 से 2003-2004 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष दाखिल करेगा;
- (v) विघटन की स्थिति में संस्था अतिरिक्त राशियाँ और परिसम्पतियाँ समान उद्देश्यों वाले धर्मार्थ संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर

अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं.81/2006/फ.सं.197/119/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

New Delhi, the 27th March, 2006

(Income-tax)

S.O. 1435.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Indian Association of Parliamentarians on Population and Development, New Delhi" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for assessment years 2001-2002 to 2003-2004, subject to the following conditions, namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to and organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No.81/2006/F.No.197/119/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली 28 मार्च, 2006

(आयकर)

New Delhi, the 28th March, 2006

(Income-Tax)

का.आ. 1436.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि किसी व्यक्ति के द्वारा "रेल मिनिस्टर वेलफेयर एंड रिलीफ फंड, नई दिल्ली" (इसके पश्चात् "संस्था") के नाम पर प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2001-02 से 2003-2004 तक के लिए ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन को या उसके पश्चात् एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपयुक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगी;
- (v) विघटन की स्थिति में संस्था की अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की आय की कराधेयता अथवा अन्यथा पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 84/2006/फा. सं. 197/34/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

S.O. 1436.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Railway Minister's Welfare & Relief Fund, New Delhi" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2001-2002 to 2003-2004, subject to the following conditions, namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 84/2006/F. No. 197/34/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 28 मार्च, 2006

New Delhi, the 28th March, 2006

(आयकर)

(Income-Tax)

का.आ. 1437.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उप-खंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि किसी व्यक्ति के द्वारा “ब्यूरो ऑफ इंडियन स्टैंडर्ड्स, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली” (इसके पश्चात् “संस्था”) के नाम पर प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2004-2005 से 2006-2007 तक के ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :—

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन को या उसके पश्चात् एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय किवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगी;
- (v) विघटन की स्थिति में संस्था की अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की आय की कराधेयता अथवा अन्यथा पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 85/2006/फा. सं. 197/117/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

S.O. 1437.—In exercise of the powers conferred by the sub-clause (iv) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Bureau of Indian Standards, Manak Bhawan, 9 Bahadur Shah Zafar Marg, New Delhi” (hereinafter referred to as the “Institution”) shall not be included in the total income of such person as assessable for the assessment years 2004-2005 to 2006-2007, subject to the following conditions, namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 85/2006/F. No. 197/117/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 30 मार्च, 2006

New Delhi, the 30th March, 2006

(आयकर)

(Income-Tax)

का.आ. 1438.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23G) के उप-खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि किसी व्यक्ति के द्वारा “श्री काशी मठ संस्थान, मुम्बई” (इसके पश्चात् “संस्था”) के नाम पर प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधीन कर निर्धारण वर्ष 2002-2003 से 2004-2005 तक के ऐसे व्यक्ति की सकल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन को या उसके पश्चात् एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगी अथवा उसे जमा नहीं करेगी;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आयकर प्राधिकारी के समक्ष फाइल करेगी;
- (v) विघटन की स्थिति में संस्था की अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की आय की कराधेयता अथवा अन्यथा पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 90/2006/फा. सं. 197/4/2005-आयकर नि.-I]

दीपक गर्ग, अवर सचिव

S.O. 1438.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of “Sri Kashi Math Sansthan, Mumbai” (hereinafter referred to as the ‘Institution’) shall not be included in the total income of such person as assessable for the assessment years 2002-2003 to 2004-2005, subject to the following conditions, namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in Sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 90/2006/F. No. 197/4/2005-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 31 मार्च, 2006

New Delhi, the 31st March, 2006

(आयकर)

(Income-Tax)

का.आ. 1439.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23ग) के उपखंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा यह अधिसूचित करती है कि "दिल्ली कैथोलिक आर्कडायोसिस, नई दिल्ली" (इसके पश्चात् "संस्था") के नाम पर प्राप्त की गई कोई आय निम्नलिखित शर्तों के अधधीन कर निर्धारण वर्ष 2005-06 से 2007-2008 तक के लिए ऐसे व्यक्ति की कुल आय में कराधेय आय के रूप में शामिल नहीं की जाएगी :

- (i) संस्था अपनी आय का इस्तेमाल अथवा अपनी आय का इस्तेमाल करने के लिए उसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगी जिनके लिए इसकी स्थापना की गई है तथा उस मामले में जहाँ इसकी पंद्रह प्रतिशत से अधिक आय अप्रैल, 2002 के पहले दिन में या उसके पश्चात् आय एकत्र की गई है, इसकी आय के संचयन की राशि के पंद्रह प्रतिशत से अधिक होने की अवधि किसी भी स्थिति में पाँच वर्ष से अधिक नहीं होनी चाहिए;
- (ii) संस्था उपर्युक्त कर निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से अपनी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा अनुरक्षित स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करेगा;
- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगा, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हो जब तक कि ऐसा कारोबार संस्था के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों;
- (iv) संस्था आयकर अधिनियम, 1961 के प्रावधानों के अनुसार अपनी आय विवरणी नियमित रूप से आय कर प्राधिकारी के समक्ष फाइल करेगा;
- (v) संस्था की विघटन की स्थिति में अतिरिक्त राशियाँ और परिसम्पत्तियाँ समान उद्देश्यों वाले संगठन को दे दी जाएंगी।

यह अधिसूचना केवल संस्था की ओर से आय के प्राप्तकर्ता पर ही लागू होगी न कि इस तरह के प्राप्तकर्ता द्वारा किसी अन्य प्राप्ति अथवा आय पर। संस्था की कराधेयता अथवा अन्यथा आय पर, आयकर अधिनियम, 1961 के उपबंधों के अनुसार पृथक रूप से विचार किया जाएगा।

[अधिसूचना सं. 94/2006/फा. सं. 197/10/2006-आयकर नि.-I]

दीपक गर्ग, अवसर सचिव

S.O. 1439.—In exercise of the powers conferred by the sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies that any income received by any person on behalf of "Delhi Catholic Archdiocese, New Delhi" (hereinafter referred to as the 'Institution') shall not be included in the total income of such person as assessable for the assessment years 2005-2006 to 2007-2008, subject to the following conditions namely :—

- (i) the Institution will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established and in a case where more than fifteen per cent of its income is accumulated on or after the 1st day of April, 2002, the period of the accumulation of the amount exceeding fifteen per cent of its income shall in no case exceed five years;
- (ii) the Institution will not invest or deposit its fund (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above other wise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the Institution and separate books of account are maintained in respect of such business;
- (iv) the Institution will regularly file its return of income before the Income-tax authority in accordance with the provisions of the Income-tax Act, 1961;
- (v) that in the event of dissolution of the Institution, its surplus and the assets will be given to an organisation with similar objectives.

This notification is applicable only to the recipients of income on behalf of the Institution and not to any other receipt or income of such recipients. Taxability, or, otherwise, of the income of the Institution would be separately considered as per the provisions of the Income-tax Act, 1961.

[Notification No. 94/2006/F. No. 197/10/2006-ITA-I]

DEEPAK GARG, Under Secy.

नई दिल्ली, 30 मार्च, 2006

(आयकर)

का.आ. 1440.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ दिनांक 1-4-2002 से दिनांक 31-3-2005 तक की अवधि के लिए संगठन मैसर्स इंडियन इंस्टीट्यूट ऑफ साइकोमेट्री, एवरग्रीन प्लाजा (द्वितीय से पंचम तल) 117, बी.टी. रोड, कोलकाता-700035 को निम्नलिखित शर्तों के अधीन अंशतः अनुसंधान कार्य में लगे 'विश्वविद्यालय, कालेज अथवा अन्य संस्था' श्रेणी के अन्तर्गत अनुमोदित करती है :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।
- (ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आय कर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है।
- (iii) अनुमोदित संगठन उपर्युक्त पैरा (ii) में उल्लिखित आय तथा व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण पत्र भी संलग्न करेगा :—
- (क) जिसमें संगठन द्वारा सामाजिक विज्ञान में अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35(1) (iii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।
- (ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय सामाजिक विज्ञान अथवा सांख्यिकीय अनुसंधान के लिए ही था।

[अधिसूचना सं. 86/2006/फा. सं. 203/85/2003-आयकर नि.-II]

दीपक गर्ग, अवर सचिव

New Delhi, the 30th March, 2006

(Income-Tax)

S.O. 1440.—It is hereby notified for general information that the organization M/s Indian Institute of

Psychometry, 'Evergreen Plaza', (2nd to 5th Floor), 117, B. T. Road, Kolkata—700 035 has been approved by the Central Government for the purpose of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, read with rule 6 of the Income-tax Rules, 1962 for the period from 1-4-2002 to 31-3-2005 under the category 'University, College or other Institution' only partly engaged in research activities subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under Sub-section (1) of Section 35 of I. T. Act, 1961 to the Commissioner of Income Tax/Director of Income-tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income.
- (iii) The organization shall also enclose with the Income-Tax & Expenditure account referred to in (ii) above, a certificate from the auditor :—
 - (a) Specifying the amount received by the organization for research in social science in respect of which the donors are eligible to claim deduction under Section 35 (1) (iii)
 - (b) certifying that the expenditure incurred was for social science or statistical research.

[Notification No. 86/2006/F. No. 203/85/2003-ITA-II]

DEEPAK GARG, Under Secy.

नई दिल्ली, 30 मार्च, 2006

(आयकर)

का.आ. 1441.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ दिनांक 1-4-2002 से दिनांक 31-3-2007 तक की अवधि के लिए संगठन हिमालयन इंस्टीट्यूट हास्पिटल ट्रस्ट, जौली ग्रांट, देहरादून—248140-उत्तरांचल को निम्नलिखित शर्तों के अधीन अंशतः अनुसंधान कार्य में लगे 'विश्वविद्यालय, कालेज अथवा अन्य संस्था' (और न कि अनन्य रूप से अनुसंधान के लिए मौजूद वैज्ञानिक अनुसंधान संघ के रूप में) श्रेणी के अन्तर्गत अनुमोदित करती है :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।
- (ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आय कर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है।
- (iii) अनुमोदित संगठन उपर्युक्त पैरा (ii) में उल्लिखित आय तथा व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण पत्र भी संलग्न करेगा :—
- (क) जिसमें संगठन द्वारा सामाजिक विज्ञान में अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35(1) (ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।
- (ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए ही था।

[अधिसूचना सं. 88/2006/फा. सं. 203/37/2005-आयकर नि.-II]

दीपक गर्ग, अवर सचिव

New Delhi, the 30th March, 2006

(Income-Tax)

S.O. 1441.—It is hereby notified for general information that the organization **Himalayan Institute Hospital Trust, Jolly Grant, Dehradun—248140—Uttanchal** has been approved by the Central Government for the purpose of clause (ii) of sub-section (I) of Section 35 of the Income tax Act, 1961, read with rule 6 of the Income tax Rules, 1962 for the period from 1-4-2004 to 31-3-2007 under the category of 'University, College or other Institution' partly engaged in research activities (and not as a scientific research association' existing solely for research) subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.

- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under Sub-section (1) of Section 35 of I. T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.
- (iii) The approved organization shall also enclose with the Income & Expenditure account referred to in paragraph (ii) above, a certificate from the auditor :—
- (a) Specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under clause (ii) of sub-section (1) of Section 35.
- (b) certifying that the expenditure incurred was for scientific research.

[Notification No. 88/2006/F. No. 203/37/2005-ITA-II]

DEEPAK GARG, Under Secy.

नई दिल्ली 30 मार्च, 2006

(आयकर)

का.आ. 1442.—सर्व साधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (iii) के प्रयोजनार्थ दिनांक 1-4-2004 से दिनांक 31-3-2007 तक की अवधि के लिए संगठन दि इंस्टीट्यूशन ऑफ इंजीनियर्स (इंडिया), 8 गोखले रोड, कोलकाता— 700 020 को निम्नलिखित शर्तों के अधीन "संस्था" श्रेणी के अन्तर्गत अनुमोदित करती है :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।
- (ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय

खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आय कर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है।

(iii) अनुमोदित संगठन उपर्युक्त पैरा (ii) में उल्लिखित आय तथा व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण-पत्र भी संलग्न करेगा :—

(क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35(1) के खण्ड (ii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।

(ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय वैज्ञानिक अनुसंधान के लिए ही था।

[अधिसूचना सं. 92/2006/फा. सं. 203/24/2005-आयकर नि.-II]

दीपक गर्ग, अवर सचिव

New Delhi, the 30th March, 2006

(Income-Tax)

S.O. 1442.—It is hereby notified for general information that the organization **The Institution of Engineers (India), 8, Gokhale Road, Kolkata—700 020** has been approved by the Central Government for the purpose of clause (ii) of Sub-section (1) of Section 35 of the Income tax Act, 1961, read with Rule 6 of the Income tax Rules, 1962 for the period from **1-4-2004 to 31-3-2007** under the category 'Institution', subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under Sub-section (1) of Section 35 of I. T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing

of return of income or within 90 days from the date of this notification, whichever expires later.

(iii) The approved organization shall also enclose with the Income & Expenditure account referred to in paragraph (ii) above, a certificate from the auditor :—

(a) Specifying the amount received by the organization for scientific research in respect of which the donors are eligible to claim deduction under clause (ii) of sub-section (1) of Section 35.

(b) certifying that the expenditure incurred was for scientific research.

[Notification No. 92/2006/F. No. 203/24/2005-ITA-II]

DEEPAK GARG, Under Secy.

नई दिल्ली 30 मार्च, 2006

(आयकर)

का.आ. 1443.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खंड (iii) के प्रयोजनार्थ दिनांक 1-4-2000 से दिनांक 31-3-2002 तक की अवधि के लिए संगठन कंज्यूमर एजुकेशन एण्ड रिसर्च सेंटर, अहमदाबाद को निम्नलिखित शर्तों के अधीन "संस्था" श्रेणी के अन्तर्गत अनुमोदित करती है :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।
- (ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आय कर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है।
- (iii) अनुमोदित संगठन उपर्युक्त पैरा (ii) में उल्लिखित आय तथा व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण-पत्र भी संलग्न करेगा :—

(क) जिसमें संगठन द्वारा वैज्ञानिक अनुसंधान/सांख्यिकीय अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35 की उप-धारा (1) के खण्ड (iii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।

(ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय सामाजिक अनुसंधान के लिए ही था।

[अधिसूचना सं. 91/2006/फा. सं. 203/1/2002-आयकर नि.-II]

दीपक गर्ग, अवर सचिव

New Delhi, the 30th March, 2006

(Income-Tax)

S.O. 1443.—It is hereby notified for general information that the organization **Consumer Education & Research Centre, Ahmedabad** has been approved by the Central Government for the purpose of clause (iii) of sub-section (1) of Section 35 of the Income Tax Act, 1961, read with Rule 6 of the Income Tax Rules, 1962 for the period from 1-4-2000 to 31-3-2002 under the category 'Institution', subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under Sub-section (1) of Section 35 of I.T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.
- (iii) The approved organization shall also enclose with the Income & Expenditure account referred to in paragraph (ii) above, a certificate from the auditor :—
 - (a) Specifying the amount received by the organization for social science research/statistical research in respect of which the donors are eligible to claim deduction under clause (ii) of sub-section (1) of Section 35.

(b) certifying that the expenditure incurred was for research in social science.

[Notification No. 91/2006/F. No. 203/1/2002-ITA-II]

DEEPAK GARG, Under Secy.

नई दिल्ली, 30 मार्च, 2006

(आयकर)

का.आ. 1444.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार आयकर नियमावली, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उप-धारा (1) के खंड (iii) के प्रयोजनार्थ दिनांक 1-4-2002 से दिनांक 31-3-2005 तक की अवधि के लिए संगठन **दि फाउंडेशन फॉर रिसर्च इन कम्युनिटी हेल्थ, 84-ए, आर जी श्रदानी मार्ग, वर्ली, मुम्बई** को निम्नलिखित शर्तों के अधीन अंशतः अनुसंधान कार्य में लगे 'विश्वविद्यालय, कालेज अथवा अन्य संस्था' (और न कि अनन्य रूप से मौजूद वैज्ञानिक अनुसंधान संघ के रूप में) श्रेणी के अन्तर्गत अनुमोदित करती है :—

- (i) अनुमोदित संगठन अपने अनुसंधान कार्य-कलापों के लिए अलग खाते रखेगा।
- (ii) वित्तीय वर्षों के प्रत्येक वर्ष के लिए जिसके लिए अनुमोदन प्रदान किया जा रहा है, अनुमोदित संगठन अनुसंधान कार्य-कलापों के संबंध में लेखा परीक्षित आय एवं व्यय खाते की एक प्रति इसके क्षेत्राधिकार वाले आयकर आयुक्त/आयकर निदेशक (छूट) को आय कर विवरणी दाखिल करने की नियत तारीख को अथवा उससे पहले अथवा इस अधिसूचना की तारीख से 90 दिनों के अन्दर, जो भी बाद में समाप्त हो, प्रस्तुत करेगा, जिसके लिए इसे आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के अन्तर्गत अनुमोदन प्रदान किया गया है।
- (iii) अनुमोदित संगठन उपर्युक्त पैरा (ii) में उल्लिखित आय तथा व्यय खाते के साथ लेखा परीक्षक से प्राप्त एक प्रमाण पत्र भी संलग्न करेगा :—
 - (क) जिसमें संगठन द्वारा सामाजिक विज्ञान में अनुसंधान के लिए प्राप्त की गई उस राशि का उल्लेख किया गया हो, जिसके लिए दानकर्ता धारा 35 की उपधारा (1) के खण्ड (iii) के अन्तर्गत कटौती का दावा करने के लिए पात्र हैं।

(ख) जिसमें यह प्रमाणित किया गया हो कि किया गया व्यय सामाजिक विज्ञान में अनुसंधान के लिए ही था।

[अधिसूचना सं. 87/2006/फा. सं. 203/14/2005-आयकर नि.-II]

दीपक गर्ग, अवर सचिव

New Delhi, the 30th March, 2006

(Income Tax)

S.O. 1444.—It is hereby notified for general information that the organization **The Foundation for Research in Community Health, 84-A, R. G. Thadani Marg, Worli, Mumbai** has been approved by the Central Government for the purpose of clause (iii) of sub-section (1) of Section 35 of the Income tax Act, 1961, read with rule 6 of the Income tax Rules, 1962 for the period from 1-4-2002 to 31-3-2005 under the category 'University, College or other Institution' partly engaged in research activities (and not as a scientific research association existing solely for research) subject to the following conditions :—

- (i) The approved organization shall maintain separate accounts for its research activities.
- (ii) For each of the financial years for which this approval is being given, the approved organization shall submit a copy of its audited Income & Expenditure account in respect of the research activities for which it has been approved under Sub-section (1) of Section 35 of I. T. Act, 1961 to the Commissioner of Income Tax/Director of Income Tax (Exemptions) having jurisdiction, on or before the due date of filing of return of income or within 90 days from the date of this notification, whichever expires later.
- (iii) The approved organization shall also enclose with the Income & Expenditure account referred to in paragraph (ii) above, a certificate from the auditor :—
- (a) Specifying the amount received by the organization for research in social science in respect of which the donors are eligible to claim deduction under clause (iii) of sub-section (1) of Section 35.

(b) Certifying that the expenditure incurred was for research in social science.

[Notification No. 87/2006/F. No. 203/14/2005-ITA-II]

DEEPAK GARG, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली 4 मार्च, 2006

का.आ. 1445.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) योजना, 1970 के खंड 3 के उपखंड (1) के साथ पठित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा 3 (ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्रीमती नफीसा अली सोदी, निवासी-डी-237, डिफेंस कॉलोनी, नई दिल्ली-110024 और श्री पोंगुलेटि सुधाकर रेड्डी, निवासी-मकान सं. 1-2-234/13/49/2, अरविन्द नगर कॉलोनी, दोमालागुडा, हैदराबाद-500 029, को अधिसूचना की तारीख से तीन वर्ष की अवधि के लिये अथवा उनका उत्तराधिकारी नामित होने तक अथवा अगले आदेश होने तक, जो भी पहले हो, इंडियन बैंक के बोर्ड में अंशकालिक गैर-सरकारी निदेशक के रूप में नामित करती है।

[फा. सं. 9/38/2005-बी. ओ.-I]

जी. बी. सिंह, अवर सचिव

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 4th April, 2006

S.O. 1445.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby nominates Smt. Nafisa Ali Sodhi, resident of D-237, Defence Colony, New Delhi-110024, and Shri Ponguleti Sudhakar Reddy, resident of H. No. 1-2-234/13/49/2, Arvind Nagar Colony, Domalaguda, Hyderabad-500 029, as part-time non-official directors on the Board of Indian Bank for a period of three years from the date of notification or until their successors are nominated or until further orders, whichever is earlier.

[F. No. 9/38/2005-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 5 अप्रैल, 2006

का.आ.1446.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उपधारा (2) और धारा 7 की उपधारा (1) के साथ पठित, धारा 6 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, डॉ. वाई.एस.पी. थोराट (जन्म तिथि 11-11-1947), वर्तमान प्रबंध निदेशक, राष्ट्रीय कृषि और ग्रामीण विकास बैंक को उनके कार्यभार ग्रहण करने की तारीख से और उनके अधिवर्षिता की आयु प्राप्त कर लेने तक यथा 30-11-2007 तक के लिए या अगले आदेश होने तक, इनमें से जो भी पहले हो, राष्ट्रीय कृषि और ग्रामीण विकास बैंक में अध्यक्ष के रूप में नियुक्त करती है।

[सं. एफ 7/3/2005-बीओ-1]

जी.बी. सिंह, अवर सचिव

New Delhi, the 5th April, 2006

S.O. 1446.—In exercise of the powers conferred by clause (a) of sub-section (1) of Section 6 read with sub-section (2) thereof and sub-section (1) of Section 7 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government, in consultation with the Reserve Bank of India, hereby appoints Dr. Y.S.P. Thorat, (DOB: 11-11-1947) presently Managing Director, National Bank for Agriculture and Rural Development, as Chairman, National Bank for Agriculture and Rural Development (NABARD) from the date of his taking over charge of the post and upto 30-11-2007, i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F.No. 7/3/2005-BO-I]

G. B. SINGH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 5 अप्रैल, 2006

का.आ. 1447.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) (इसके पश्चात् उक्त अधिनियम के रूप में उल्लिखित) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद के साथ परामर्श करने के पश्चात्, उक्त अधिनियम की प्रथम अनुसूची में एतद्वारा निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिनियम में, प्रथम अनुसूची में अंतिम प्रविष्टि के बाद निम्नलिखित प्रविष्टि जोड़ी जाएगी, अर्थात् :—

विश्वविद्यालय अथवा चिकित्सा संस्था	मान्यताप्राप्त चिकित्सा अर्हता	पंजीकरण के लिए संक्षेपण
डा. राम मनोहर लोहिया अवध विश्वविद्यालय, फैजाबाद	बैचलर ऑफ मेडिसिन एवं बैचलर ऑफ सर्जरी	एमबीबीएस (यह एक मान्यता- प्राप्त चिकित्सा अर्हता होगी यदि यह जनवरी, 06 अथवा उसके पश्चात् प्रदान की गई हो)

[सं. यू-12012/108/96-एमई (पी-II)]

आस्था एस. खटवानी, निदेशक

नोट : भारतीय आयुर्विज्ञान परिषद की प्रथम अनुसूची भारत के राजपत्र (असाधारण) के दिनांक 31 दिसम्बर, 1956 के निर्गम सं. 83 के भाग II, धारा I में उक्त अधिनियम के भाग के रूप में प्रकाशित की गई।

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 5th April, 2006

S.O. 1447.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, namely:—

In the said Act, in the First Schedule, after the last entry the following entry shall be interested, namely:—

University or Medical Institution Qualification	Recognised Medical Registration	Abbreviation for
Dr. Ram Manohar Lohia University, Avadh Faizabad	Beachelor of Medicine and Bachelor of Surgery	MBBS (this quali- fication shall be a recognized medical qualification when granted on or after January, 2006.

[No. U-12012/108/96-ME (P-II)]

AASTHA S. KHATWANI, Director

Note : The First Schedule to India Medical Council Act, 1956 (102 of 1956) was published as a part of the said Act in Part II, Section I of the Gazette of India (Extraordinary) vide issue No. 83, dated the 31st December, 1956.

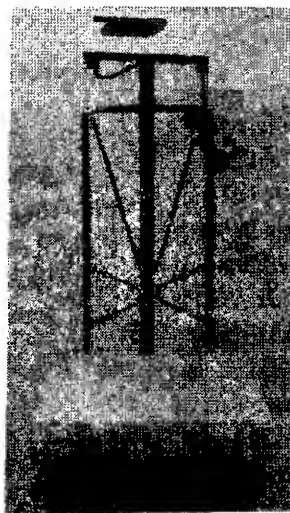
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 16 मार्च, 2006

का.आ. 1448.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स देवश्री मुद्रण प्राइवेट लिमिटेड, 900 एम आई ई, बहादुरगढ़ हरियाणा द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले “पी पी” श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम “पार्थ” है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/118 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि. ग्रा. और न्यूनतम क्षमता 2.5 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन (एन) अंतराल सहित 50 कि.ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(218)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION**(Department of Consumer Affairs)**

New Delhi, the 16th March, 2006

S.O. 1448.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Platform type) weighing instrument with digital indication of high accuracy (Accuracy class-II) and with brand name "PARTH" and "PP" series (herein referred to as the said model), manufactured by M/s Devishree Mudran Private Limited, 900 MIE, Bahadurgarh, Haryana and which is assigned the approval mark IND/09/05/118;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) of high accuracy (Accuracy class-II) with a maximum capacity of 500 kg. and minimum capacity of 2.5 kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 1000 kg with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

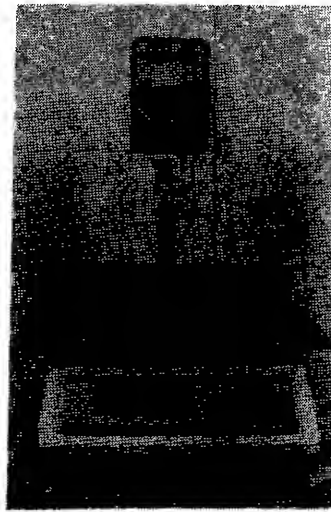
[F. No. WM-21(218)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 16 मार्च, 2006

का.आ. 1449.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स देवश्री मुद्रण प्राइवेट लिमिटेड, 900 एम आई ई, बहादुरगढ़, हरियाणा द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "पी टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "पार्थ" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/117 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 किलोग्राम है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. के "ई" मान के लिए 50 से 5,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

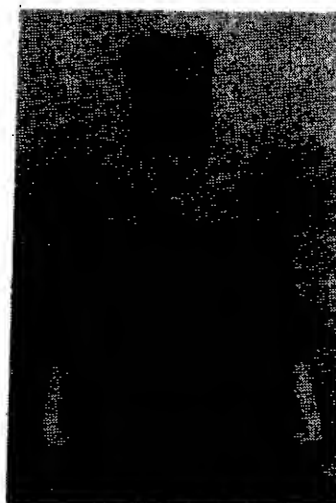
[फा. सं. डब्ल्यू एम-21(218)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2006

S.O. 1449.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table Top type) weighing instrument with digital indication of high accuracy (Accuracy class-II) and with brand name "PARTH" and "PT" series (herein referred to as the said model), manufactured by M/s. Devishree Mudran Private Limited, 900 MIE, Bahadurgarh, Haryana and which is assigned the approval mark IND/09/05/117;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) of high accuracy (accuracy class-II) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternate current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 50000 for 'e' value of 1mg. to 50mg. and with the number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(218)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 16 मार्च, 2006

का.आ. 1450.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स इंडियन पैकेजिंग मशीनरी, आई-15, डी एल एफ इंडस्ट्रियल एरिया, फेज-1, फरीदाबाद-121003 हरियाण द्वारा निर्मित 'आई पी/501/550' शृंखला के अस्वचालित फिलिंग मशीन (कप फिलर) के मॉडल का, जिसके ब्रांड का नाम "आई पी एम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/985 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक स्वचालित फिलिंग मशीन (कप फिलर) है। इसकी अधिकतम क्षमता 1000 ग्राम है। इसका उपयोग चावल मसाले, बीज, काफी, पाऊडर, चाय, डिटरजेंट, ग्रेन्यूल्स आदि जैसे फ्री फ्लोइंग उत्पादों के भराव के लिए किया जाता है। इसकी भरण दर की रेंज 10-25 पाउंच प्रति मिनट है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 ग्राम से 1000 ग्राम तक की रेंज में है।

[फा. सं. डब्ल्यू एम-21(168)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2006

S.O. 1450.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Filling Machine (Cup Filler) of "IP/501/550" series with brand name "IPM" (hereinafter referred as to the said Model), manufactured by M/s Indian Packaging Machineries, I-15, DLF Industrial Area, Phase-I, Faridabad-121 003, Haryana and which is assigned the approval mark IND/09/05/985;

The said model is an automatic filling machine (Cup Filler) with a maximum capacity of 1000g. It is used for filling the free flowing products like rice, spices, seeds, coffee powder, tea, detergents, spices, granules etc. Its fill rate range is 10—25 Pouches per minutes. The instrument operates on 230-Volts and 50 Hertz alternate current power supply;



In addition to sealing stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make and performance of same series with capacity in the range 100g. to 1000g. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(168)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 16 मार्च, 2006

का.आ. 1451.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, डी जी वे सिस्टम्स, # 5-9, नीरु हाउस के सामने, किंग कोठी, हैदराबाद-500001, आंध्र प्रदेश द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डी जी-पी डब्ल्यू" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन मशीन (सिक्के से प्रचालित व्यक्ति तोलन इलेक्ट्रॉनिक मशीन) के मॉडल का, जिसके ब्रांड का नाम "सोनिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/1020 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्राम है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 कि.ग्रा. से अधिक और 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(270)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2006

S.O. 1451.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument with digital indication (Electronic Coin Operated Person Weighing Machine) of medium accuracy (Accuracy Class-III) belonging to 'DG-PW' series with brand name "SONIC" (hereinafter referred to as the said model), manufactured by M/s. DG Weigh System, #5-9-1118, Opp. Neeru's House, King Kothi, Hyderabad-500001, Andhra Pradesh and which is assigned the approval mark IND/09/05/1020;



The said model (see the figure given above) is a strain gauge type load cell based weighing instrument with the maximum capacity of 150 kg. and minimum capacity is 2 kg. The verification scale interval (e) is 100g. The display is of Light Emitting Diode (LED) type. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make accuracy and performance of same series with maximum capacity in the range of 100kg. to 200kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(270)/2005]

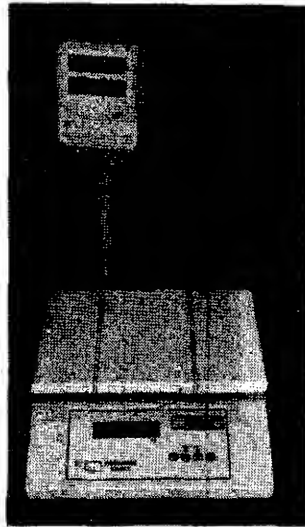
P. A. KRISHNAMOORTHY, Director, Legal Metrology

नई दिल्ली, 16 मार्च, 2006

का.आ. 1452.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्मार्ट वेइंग स्केल, # 501, न्यू तृतीय मेन रोड, 50 फीट रोड, बी एस के, पहली स्टेज, पहला ब्लॉक श्रीनगर, बंगलौर-560050 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस डब्ल्यू एस-जे पी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/133 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. है और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक आधारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, कार्यकारी सिद्धान्त आदि के संबंध में बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(348)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2006

S.O. 1452.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (Accuracy class-II) of series "SWS-JP" and with brand name "SMART" (hereinafter referred to as the said model), manufactured by M/s. Smart Weighing Scale, # 501, New 3rd Main Road, 50 Feet Road, B.S.K, 1st Stage, 1st Block, Srinagar, Bangalore-560 050, Karnataka and which is assigned the approval mark IND/09/2006/133;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg to 50 mg and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(348)/2005]

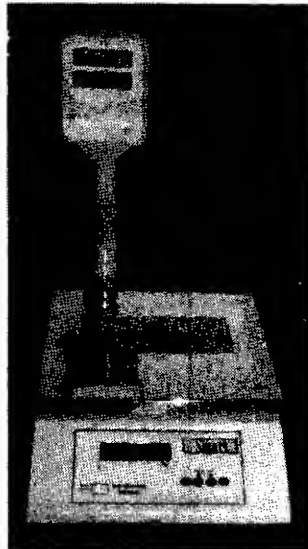
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 16 मार्च, 2006

का.आ. 1453.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्मार्ट वेइंग स्केल # 501, न्यू तृतीय मेन रोड, 50 फीट रोड, बी एस के, पहली स्टेज, पहला ब्लॉक श्रीनगर, बंगलौर-560050 द्वारा निर्मित माध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस डब्ल्यू एस-टी बी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/134 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गेज प्रकार का भार सैल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टायिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा। और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, कार्यकारी सिद्धान्त आदि के संबंध में बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(348)/2005]

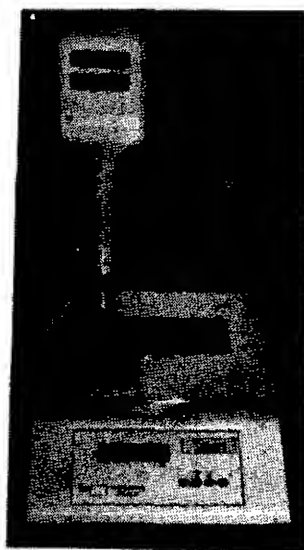
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2006

S.O. 1453.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series of "SWS-TB" and with brand name "SMART" (hereinafter referred to as the said model), manufactured by M/s. Smart Weighing Scale, # 501, New 3rd Main Road, 50 Feet Road, B.S.K, 1st Stage, 1st Block, Srinagar, Bangalore-560 050, Karnataka and which is assigned the approval mark IND/09/2006/134;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5 g. It has a tare device with a 100 percent subtractive retained tare effect. The light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make accuracy and performance of same series with maximum capacity upto 50 kg. and with verification scale interval (n) in the range of 100 to 50000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where K is a the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(348)/2005]

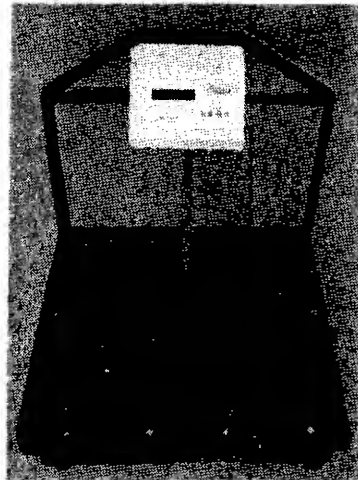
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 16 मार्च, 2006

का.आ. 1454.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्मार्ट वेइंग स्केल 501, न्यू तृतीय मेन रोड, 50 फीट रोड, बी. एस. के., पहली स्टेज, पहला ब्लॉक श्रीनगर, बंगलौर-560050 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस डब्ल्यू एस- पी टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/135 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्ट्रॉमिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा। और मॉडल को इसकी समग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, कार्यकारी सिद्धान्त आदि के संबंध में बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्राम से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(348)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2006

S.O. 1454.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication "SWS-PT" series of medium accuracy (accuracy class-III) and with brand name "SMART" (hereinafter referred to as the said Model), manufactured by M/s. Smart Weighing Scale, 501, New 3rd Main Road, 50 Feet Road, B.S.K, 1st Stage, 1st Block, Srinagar, Bangalore-560050, Karnataka and which is assigned the approval mark IND/09/2006/135;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 Kg. and minimum capacity of 4 Kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply:



In addition to sealing the stamping plate sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make accuracy and performance of same series with maximum capacity upto 50 kg. and upto 5000 Kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , here k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(348)/2005]

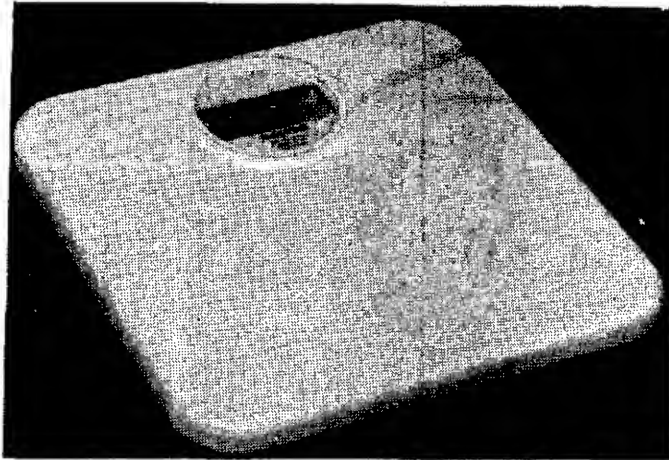
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 16 मार्च, 2006

का.आ. 1455.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स डाक्टर बेली राम एण्ड संस प्रा० लि०, 3/17, आसफ अली रोड, नई दिल्ली-110002 द्वारा निर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एस पी एस" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन) के मॉडल का, जिसके ब्रांड का नाम "साल्टर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/39 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अंकक सूचन सहित अस्वचालित (व्यक्ति तोलन मशीन) तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्राम है। द्रव क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 12—24 वोल्ट डी सी पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम कार्य निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 100 कि.ग्रा. से अधिक और 200 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^5 , 2×10^5 या 5×10^5 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(276)/2005]

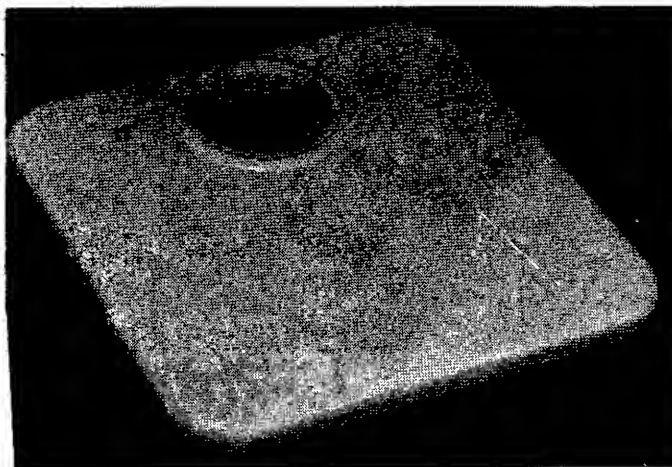
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2006

S.O. 1455.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Person Weighing Machine) with digital indication of "SPS" series of medium accuracy (Accuracy class-III) and with brand name "SALTER" (hereinafter referred to as the said model), manufactured by M/s. Doctor Beli Ram & Sons Pvt. Ltd., 3/17, Asaf Ali Road, New Delhi-110002 and which is assigned the approval mark IND/09/06/39;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Person Weighing Machine) with a maximum capacity of 150 kg. and minimum capacity of 2 Kg. The verification scale interval (e) is 100g. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 12-24 Volts DC.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 100 kg. to 200 kg. verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

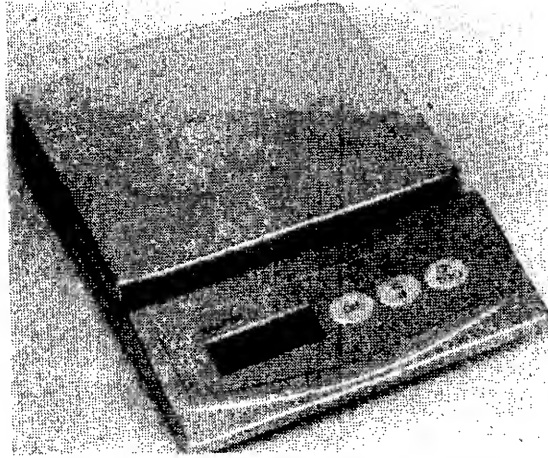
[F. No. WM-21(276)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 16 मार्च, 2006

का.आ. 1456.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स डाक्टर बेली राम एण्ड संस प्रा० लि०, 3/17, आसफ अली रोड, नई दिल्ली-110002 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस टी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप) के मॉडल का, जिसके ब्रांड का नाम "साल्टर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/40 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 5 कि.ग्रा. है और न्यूनतम क्षमता 20 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा। मॉडल का उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम कार्य निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक 'ई' मान के लिए 100 से 10,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(276)/2005]

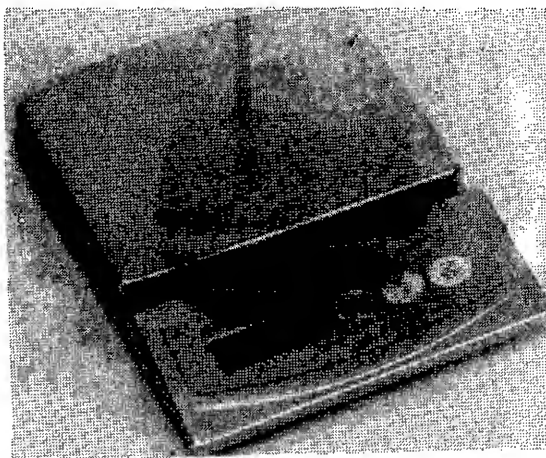
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 16th March, 2006

S.O. 1456.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Table top type) with digital indication of medium accuracy (Accuracy class-III) of series 'ST' and with brand name "SALTER" (hereinafter referred to as the said model), manufactured by M/s. Doctor Beli Ram & sons Pvt. Ltd., 3/17, Asaf Ali Road, New Delhi-110002 and which is assigned the approval mark IND/09/06/40:

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 5 kg. and minimum capacity of 20g. The verification scale interval (e) is 1 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 Kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2 g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

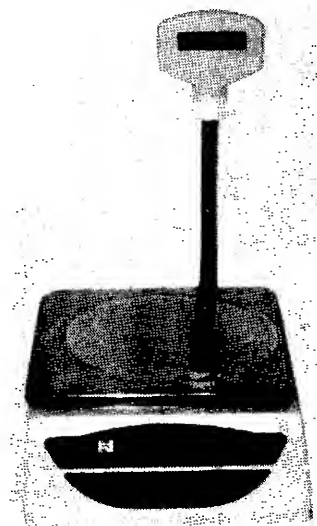
[F. No. WM-21(276)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मार्च, 2006

का.आ. 1457.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नोवा वे इंडस्ट्रीज, 4062/1, गली नं० 1 डाबा रोड, आई टी आई के सामने, गिल रोड, लुधियाना-141003 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एन पी एल टी आई" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "नोवा टेक" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/841 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित (टेबल टॉप प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा तक 'ई' मान के लिए 100 से 10,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

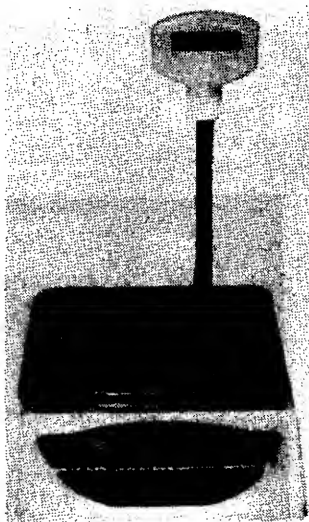
[फा. सं. डब्ल्यू एम-21(167)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd, March, 2006

S.O. 1457.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table top type) weighing instrument with digital indication of "NPLTT" series of medium accuracy (accuracy class-III) and with brand name "NOVA-TECH" herein after referred to as the said model), manufactured by M/s Nova Weigh Industries, 4062/1 Street No. 1 Daba Road, Opp. ITI Gill Road, Ludhiana-141003 and which is assigned the approval mark IND/09/2005/841:



The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity up to 50 Kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg. to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(167)/2005]

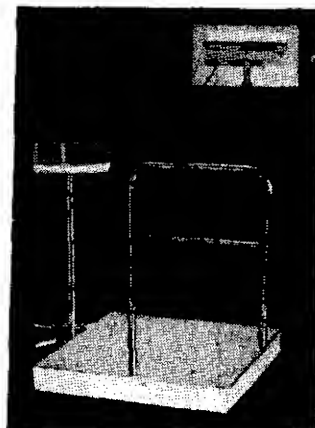
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मार्च, 2006

का.आ. 1458.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स नोवा वे इंडस्ट्रीज़, 4062/1, गली नं० 1 डाबा रोड़, आई टी आई के सामने, गिल रोड़, लुधियाना-141003 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "एन पी एल पी एफ" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "नोवा टेक" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/842 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सेल आधारित (टेबल टॉप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 50 किलोग्राम से अधिक और 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(167)/2005]

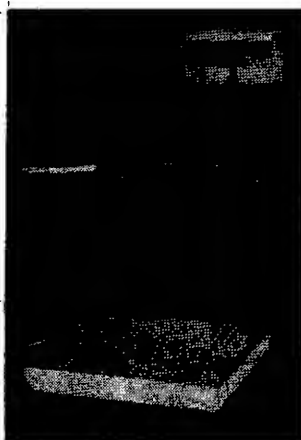
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd March, 2006

S.O. 1458.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic (Platform type) weighing instruments with digital indication of "NPLPF" series of medium accuracy (Accuracy class-III) and with brand name "NOVA-TECH" (herein afterreferred to as the said Model), manufactured by M/s Nova Weigh Industries, 4062/1, Street No. 1, Daba Road, Opp. ITI, Gill Road, Ludhiana-141003 and which is assigned the approval mark IND/09/2005/842.

The said Model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternative current power supply;



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of same series with maximum capacity upto 50 kg and upto 5000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(167)/2005]

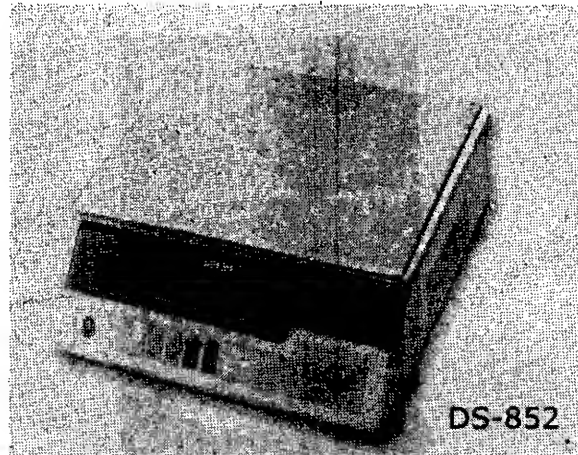
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मार्च, 2006

का.आ. 1459.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स ईसाए टेराओका लिमिटेड, सं. 377/22, छठी क्रॉस, विल्सन गार्डन, बंगलौर-560027 कर्नाटक द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "डी एस-852" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ईसाए" है (जिसे इसमें उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/181 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(210)/2004]

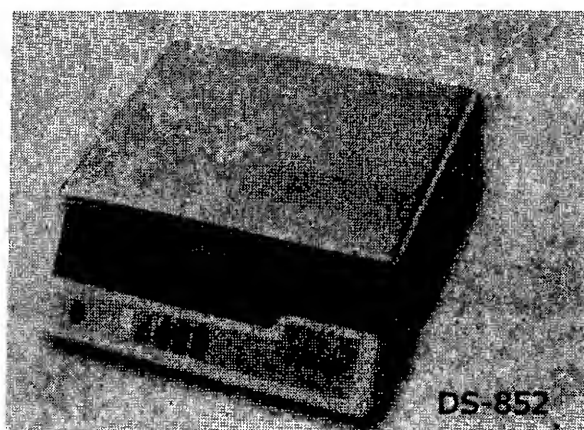
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd March, 2006

S.O. 1459.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Table top type) with digital indication of "DS-852" series of medium accuracy (Accuracy class-III) and with brand name "ESSAE" (herein after referred to as the said Model), manufactured by M/s Essae Teraoka Limited, No. 377/22, 6th Cross, Wilson Garden, Bangalore-560027, Karnataka and which is assigned the approval mark IND/09/2005/181.

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100kg. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 Kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

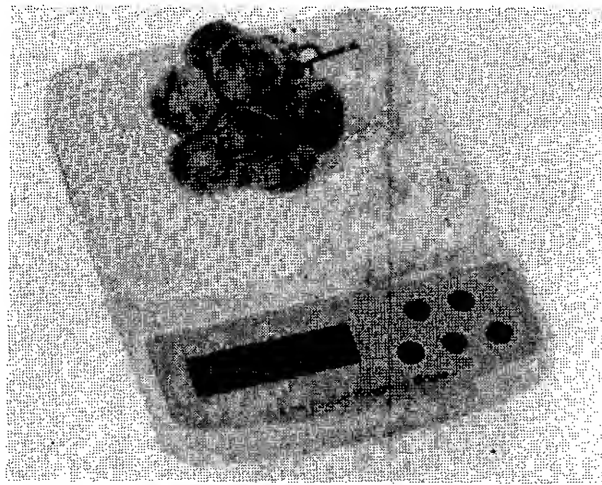
[F. No. WM-21(210)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मार्च, 2006

का.आ. 1460.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्मार्ट इक्विपमेंट प्राइवेट लिमिटेड, के.एच. नं. 38, गली संख्या-1, डाबरी, नई दिल्ली-110045 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस एम के" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/335 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (टेबल टॉप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 2 कि.ग्रा. है और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अंतराल (ई) 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलानात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक 'ई' मान के लिए 100 से 10,000 तक की रेंज में सत्यापन अंतराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

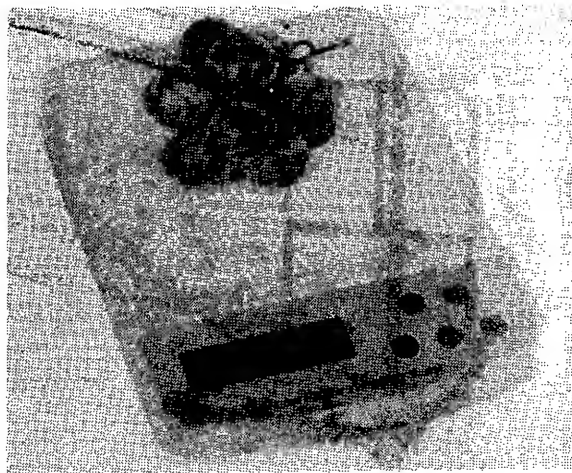
[फा. सं. डब्ल्यू एम-21(329)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd March, 2006

S.O. 1460.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instruments (table Top type) with digital indication of "SMK" series of medium accuracy (accuracy class-III) and with brand name "SMART" (hereinafter referred to as the said model), manufactured by M/s Smart Equipments Private Limited, K.H. No. 38, Lane No. 1, Dabri, New Delhi-110045 and which is assigned the approval mark IND/09/05/335:



The said model is a strain gauge type load cell based non-automatic weighing instruments (Table top type) with a maximum capacity of 2kg. and minimum capacity of 20g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 Kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

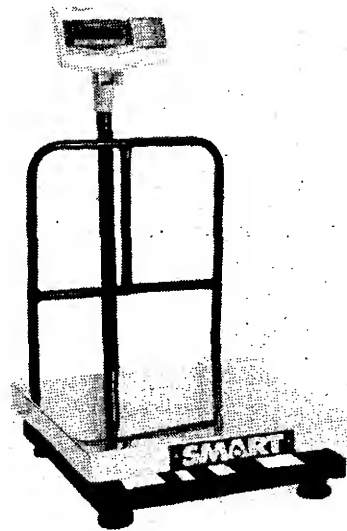
[F. No. WM-21(329)/2003]

P. A. KRISHNAMOORTHY, Director of. Legal Metrology

नई दिल्ली, 22 मार्च, 2006

का.आ. 1461.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे अस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्मार्ट इक्विपमेंट प्राइवेट लिमिटेड, के.एच. नं. 38, गली संख्या-1, डाबरी, नई दिल्ली-110045 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस एम पी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/336 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित (प्लेटफार्म प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 2000 कि.ग्रा. है और न्यूनतम क्षमता 10 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 500 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टैम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^5 , 2×10^5 या 5×10^5 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

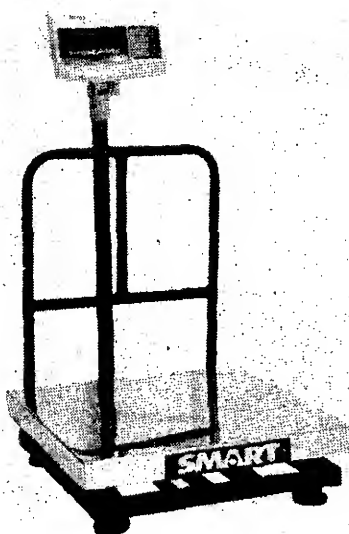
[फा. सं. डब्ल्यू एम-21(329)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd March, 2006

S.O. 1461.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "SMP" series of medium accuracy (Accuracy class-III) and with brand name "SMART" (herein after referred to as the said model), manufactured by M/s Smart Equipments Private Limited, K.H. No. 38, Lane No. 1, Dabri, New Delhi-110045 and which is assigned the approval mark IND/09/2005/336:



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 2000kg and minimum capacity of 10kg. The verification scale interval (e) is 500g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50-Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 Kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

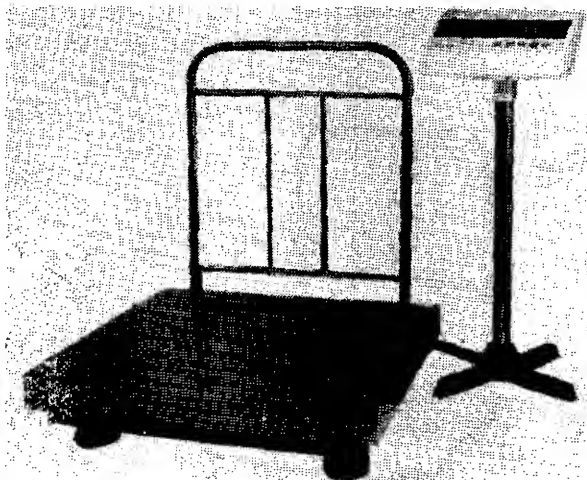
[F. No. WM-21(329)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मार्च, 2006

का.आ. 1462.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्मार्ट इक्विपमेंट प्राइवेट लिमिटेड, के.एच. नं. 38, गली संख्या-1, डाबरी, नई दिल्ली-110045 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस एम एच" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/337 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (प्लेट फार्म प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1200 कि.ग्रा. है और न्यूनतम क्षमता 5 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलोग्राम से अधिक और 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

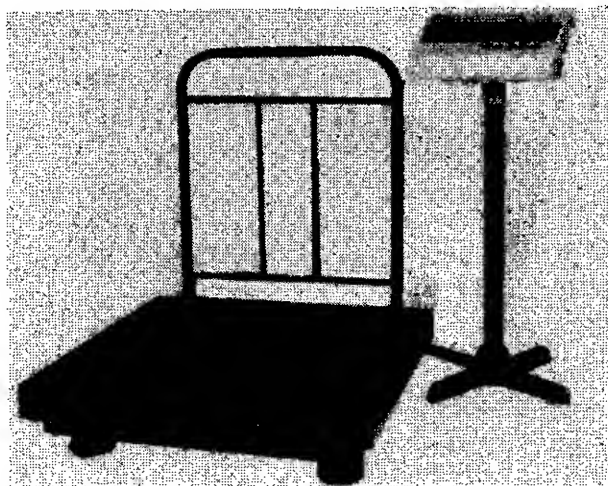
[फा. सं. डब्ल्यू एम-21(329)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd March, 2006

S.O. 1462.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of "SMH" series of high accuracy (Accuracy class-II) and with brand name "SMART" (hereinafter referred to as the said Model), manufactured by M/s Smart Equipments Private Limited, K.H. No. 38, Lane No. 1, Dabri, New Delhi-110045 and which is assigned the approval mark IND/09/2005/337.



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1200 kg and minimum capacity of 5 g. The verification scale interval (e) is 100 g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 5000 kg with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved Model has been manufactured.

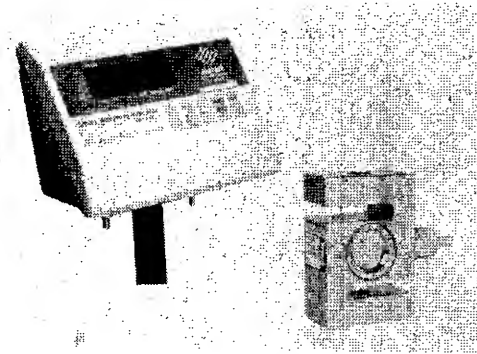
[F. No. WM-2/(329)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मार्च, 2006

का.आ. 1463.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्मार्ट इक्विपमेंट प्राइवेट लिमिटेड, के.एच. नं. 38, गली संख्या-1, डाबरी, नई दिल्ली-110 045 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस एम डब्ल्यू" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज के लिए कन्वर्शन किट प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/338 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (वेब्रिज के लिए कन्वर्शन किट प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 40 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से अधिक और 100 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

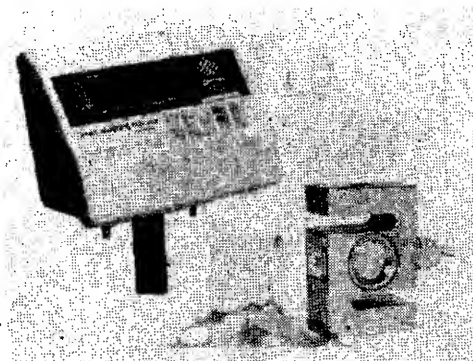
[फा. सं. डब्ल्यू एम-21(329)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd March, 2006

S.O. 1463.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Conversion kit for weighbridge) with digital indication of "SMW" series of medium accuracy (Accuracy class-III) and with brand name "SMART" (hereinafter referred to as the said model), manufactured by M/s. Smart Equipments Private Limited, K.H. No. 38, Lane No. 1, Dabri, New Delhi-110 045 and which is assigned the approval mark IND/09/2005/338:



The said model is a strain gauge type load cell based non-automatic weighing instrument (Conversion kit for weighbridge) with a maximum capacity of 40 tonne and minimum capacity 100kg. The verification scale interval (e) is 5kg. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 100 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(329)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मार्च, 2006

का.आ. 1464.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्मार्ट इक्विपमेंट प्राइवेट लिमिटेड, के.एच. नं. 38, गली संख्या-1, डाबरी, नई दिल्ली-110045 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस एम सी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (क्रेन प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/339 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (क्रेन प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 10 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 500 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(329)/2003]

पी. ए. ऋष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd March, 2006

S.O. 1464.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instruments (Crane type) with digital indication of "SMC" series of medium accuracy (Accuracy class-III) and with brand name "SMART" (herein after referred to as the said model), manufactured by M/s. Smart Equipments Private Limited, K.H. No. 38, Lane No. 1, Dabri, New Delhi-110045 and which is assigned the approval mark IND/09/2005/339.



The said model is a strain gauge type load cell based non-automatic weighing instruments (Crane type) with a maximum capacity of 1000kg and minimum capacity of 10kg. The verification scale interval (e) is 500g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50-Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where the k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

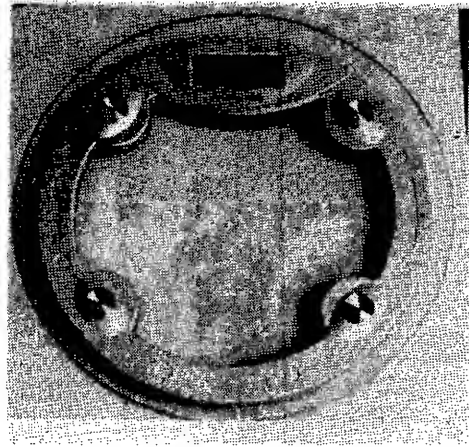
[F. No. WM-21(329)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मार्च, 2006

का.आ. 1465.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स स्मार्ट इक्विपमेंट प्राइवेट लिमिटेड, के.एच.नं. 38, गली संख्या-1, डाबरी, नई दिल्ली-110045 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस एम बी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (व्यक्ति तोलन मशीन प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/340 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (व्यक्ति तोलन मशीन प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. है और न्यूनतम क्षमता 2 कि. ग्राम है। सत्यापन मापमान अंतराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्ट्रामिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) सहित 100 किलोग्राम से अधिक और 200 किलोग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो घनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

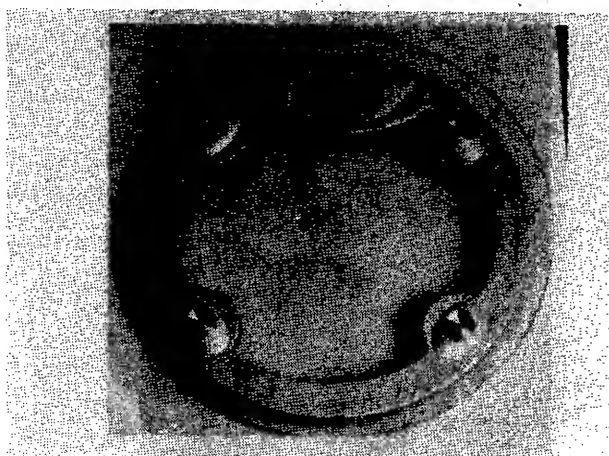
[फा. सं. डब्ल्यू एम-21(329)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd March, 2006

S.O. 1465.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instruments (Person Weighing Machine) with digital indication of "SMB" series of medium accuracy (Accuracy class-III) and with brand name "SMART" (hereinafter referred to as the said model), manufactured by M/s. Smart Equipments Private Limited, K. H. No. 38, Lane No. 1, Dabri, New Delhi-110045 and which is assigned the approval mark IND/09/05/340;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Person Weighing Machine) with a maximum capacity of 150 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 100 kg to 200 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(329)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मार्च, 2006

का.आ. 1466.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वीसा स्केल कम्पनी, नं. 690, शुक्रवार पेठ, श्री नाथ टाकीज के सामने, पुणे-2, महाराष्ट्र द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "वी एस सी" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वीसा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/147 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित (टेबल टॉप प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई का भवन) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकित करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के 'ई' मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 100 मि.ग्राम या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

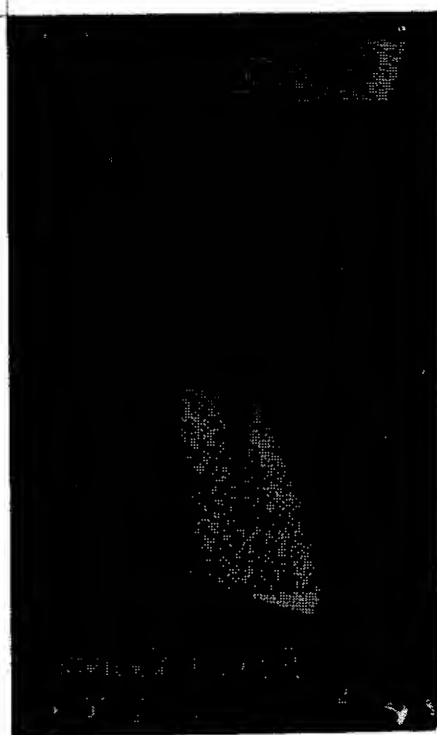
[फा. सं. डब्ल्यू एम-21(113)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd March, 2006

S.O. 1466.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Table top type) weighing instruments with digital indication of "VSC" series of high accuracy (accuracy class-II) and with brand name "VISA" (herein referred to as the said model), manufactured by M/s. Visa Scale Company, No. 690, Shukerwar Pett, Opposite Shrinath Talkies, Pune-2, Maharashtra and which is assigned the approval mark IND/09/05/147;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light emitting diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 Kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(113)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मार्च, 2006

का.आ. 1467.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वीसा स्केल कम्पनी, नं. 690, शुक्रवार पेठ, श्रीनाथ टाकीज के सामने, पुणे-2, महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "वी एस सी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टैबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वीसा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/148 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गेज प्रकार का लोड सेल आधारित (टैबल टॉप प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक 'ई' मान के लिए 100 से 10000 तक की रेंज में सत्यापन माप मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

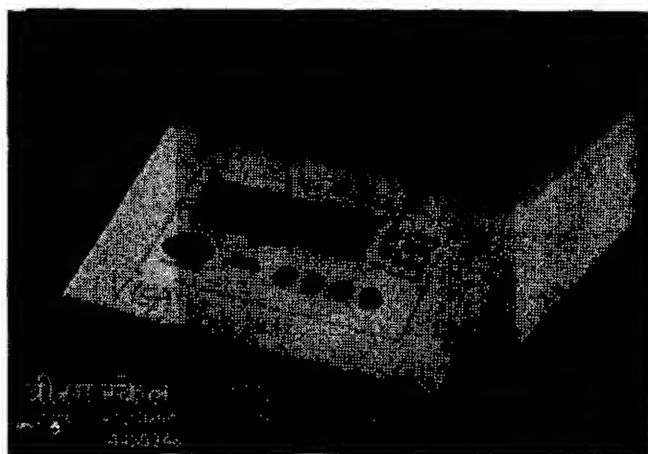
[फा. सं. डब्ल्यू एम-21(113)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd March, 2006

S.O. 1467.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Table top type) weighing instruments with digital indication of "VSC" series of medium accuracy (accuracy class-III) and with brand name "VISA" (hereinafter referred to as the said model), manufactured by M/s. Visa Scale Company, No. 690, Shukerwar Pett, Opposite Shrinath Talkies, Pune-2, Maharashtra and which is assigned the approval mark IND/09/05/148;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) Display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 Kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

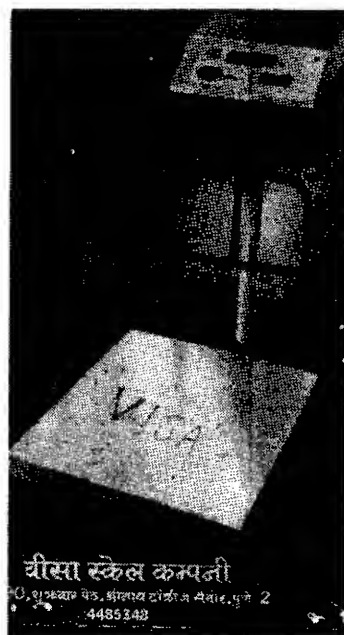
[F. No. WM-21(113)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मार्च, 2006

का.आ. 1468.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वीसा स्केल कम्पनी, नं. 690, शुक्रवार पेठ, श्री नाथ टाकीज के सामने, पुणे-2, महाराष्ट्र द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "वी एस सी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वीसा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/149 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सैल आधारित (प्लेटफार्म प्रकार) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 5 कि. ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के 'ई' मान के लिए 5000 से 50,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं 'ई' मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(113)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd March, 2006

S.O. 1468.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform type) weighing instruments with digital indication of "VSC" series of high accuracy (accuracy class-II) and with brand name "VISA" (hereinafter referred to as the said model), manufactured by M/s. Visa Scale Company, No. 690, Shukerwar Peth, Opposite Shrinath Talkies, Pune-2, Maharashtra and which is assigned the approval mark IND/09/05/149;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg kg. and minimum capacity of 5kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 5000kg. with verification sale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

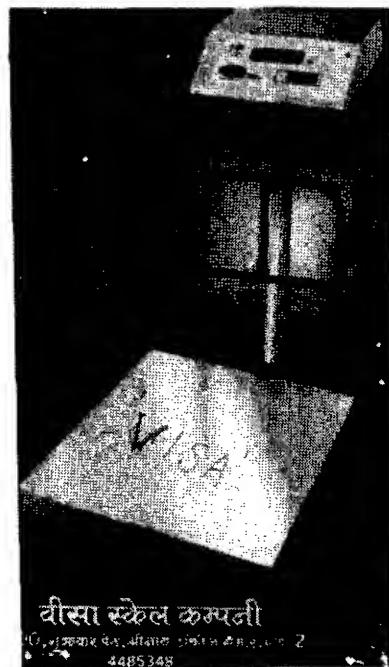
[F. No. WM-21(113)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 22 मार्च, 2006

का.आ. 1469.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स वीधा स्केल कम्पनी, नं. 690, शुक्रवार पेट, श्री नाथ टाकीज के सामने, पुणे-2, महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "वी एस सी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "वीधा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/150 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित (प्लेटफार्म) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 किलोग्राम से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हों और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हों, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(113)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 22nd March, 2006

S.O. 1469.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform Type) weighing instruments with digital indication of (herein referred to as the said model), manufactured by M/s. Visa Scale Company, No. 690, Shukerwar Pett, Oppsite Shrinath Talkies, Pune-2, Maharashtra and which is assigned the approval mark IND/09/05/150;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100 g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 Kg and upto 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

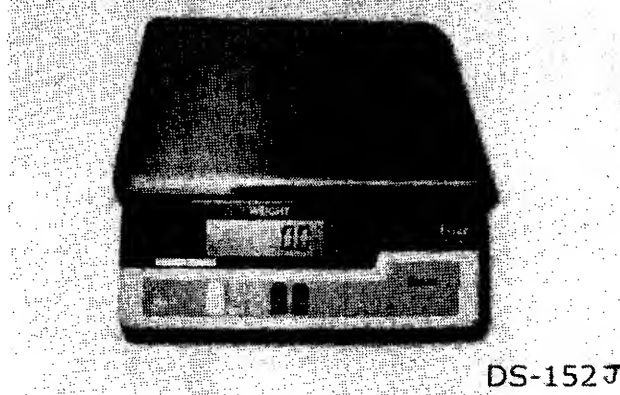
[F. No. WM-21(113)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 मार्च, 2006

का.आ. 1470.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स ईसाए टेराओका लिमिटेड, सं. 377/22, 6वीं क्रास विल्सन गार्डन, बंगलौर-560027, कर्नाटक द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "डी एस-152 जे" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "ईसाए" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/477 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1200 कि.ग्रा. और न्यूनतम क्षमता 10 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 200 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक 'ई' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 100 मिली ग्राम या उससे अधिक के "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$ के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

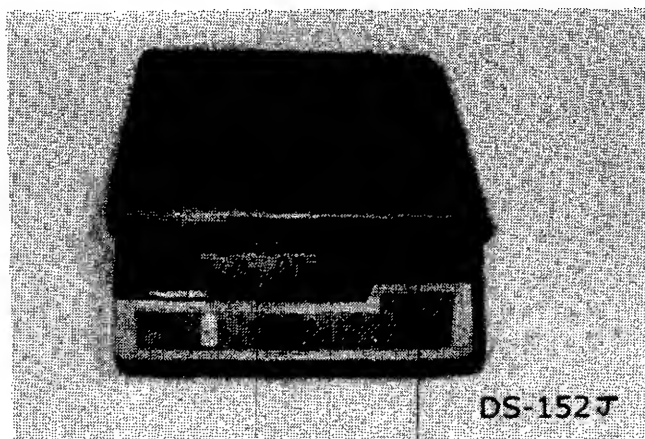
[फा. सं. डब्ल्यू एम-21(373)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd March, 2006

S.O. 1470.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instruments (Table top type) with digital indication of "DS-152J" series of high accuracy (Accuracy class-II) and with brand name "ESSAE" (hereinafter referred to as the said model), manufactured by M/s. Essae Teraoka Limited, No. 377/22, 6th Cross, Wilson Garden, Bangalore-560027, Karnataka and which is assigned the approval mark IND/09/05/477;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 1200 kg. and minimum capacity of 10g. The verification scale interval (e) is 200 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(373)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 23 मार्च, 2006

का.आ. 1471.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स एस्सी देशओका लिमिटेड, सं. 377/22, 6वां क्रास, विलसन गार्डन, बंगलौर-560027, कर्नाटक द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'डी एस-152' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एस्साई" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/317 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



DS-152

उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टोप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 6 कि. ग्रा. और न्यूनतम क्षमता 20 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्ट्याम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक 'ई' मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान $1 \times 10^*$, $2 \times 10^*$ या $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

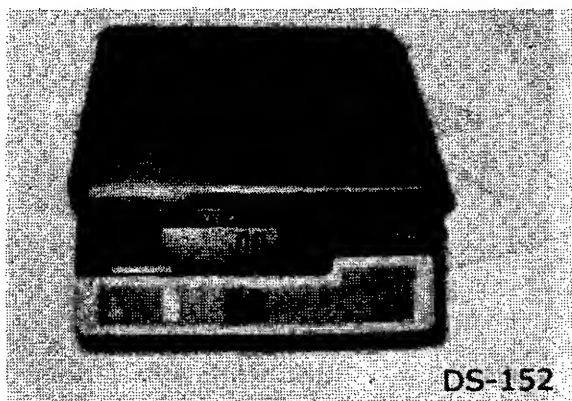
[फा. सं. डब्ल्यू एम-21(373)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd March, 2006

S.O. 1471.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of 'DS-152,' series of medium accuracy (Accuracy class-III) and with brand name 'ESSAE' (hereinafter referred to as the said Model), manufactured by M/s. Essae Teraoka Limited, No. 377/22, 6th Cross, Wilson Garden, Bangalore-560 027, Karnataka and which is assigned the approval mark IND/09/05/317;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 6 kg. and minimum capacity of 20g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k ; 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

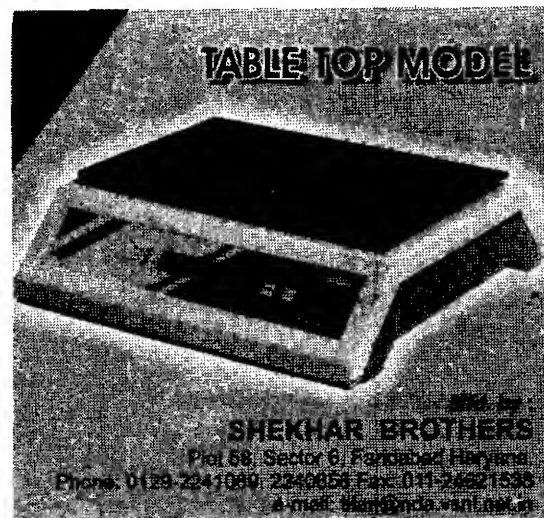
[F. No. WM-21(373)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 मार्च, 2006

का.आ. 1472.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स शंकर ब्रदर्स, प्लॉट ए-58, सेक्टर-6, फरीदाबाद, हरियाणा द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'एस बी-टी टी' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "टाइटन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/781 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 20 कि. ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कंपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक 'ई' मान के लिए 100 से 10,000 तक रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

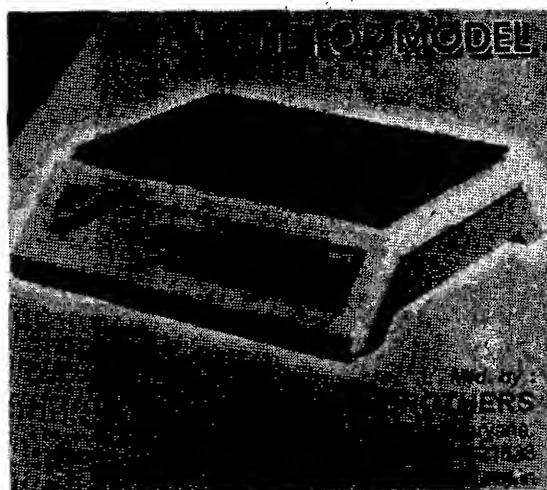
[फा. सं. डब्ल्यू एम-21(226)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th March, 2006

S.O. 1472.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic (Table top type) weighing instrument with digital indication of 'SB-TT' series of medium accuracy (Accuracy class-III) and with brand name 'TITAN' (hereinafter referred to as the said Model), manufactured by M/s. Shekhar Brothers, Plot No. 58, Sector-6, Faridabad, Haryana and which is assigned the approval mark IND/09/05/781;



The said Model (see the figure given above) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 20kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g. or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

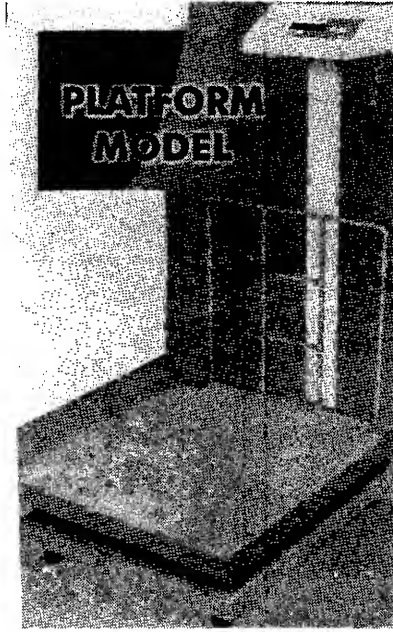
[F. No. WM-21(226)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 मार्च, 2006

का.आ. 1473.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स शंकर ब्रदर्स, प्लॉट ए-58, सेक्टर-6, फरीदाबाद, हरियाणा द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'पी टी' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्मे प्रकार) के मॉडल का, जिसके ब्रांड का नाम "टाइटन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/782 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गेज भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन माप मान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^3 , 2×10^3 या 5×10^3 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(226)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th March, 2006

S.O. 1473.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of 'SB-PT,' series of medium accuracy (Accuracy class-III) and with brand name 'TITAN' (hereinafter referred to as the said Model), manufactured by M/s. Shekhar Brother, Plot No. 58, Sector-6, Faridabad, Haryana and which is assigned the approval mark IND/09/05/782:



The said Model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 1000kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity above 50kg. and up 5000 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and 'e' value of 1×10^k , 2×10^k or 5×10^k , k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

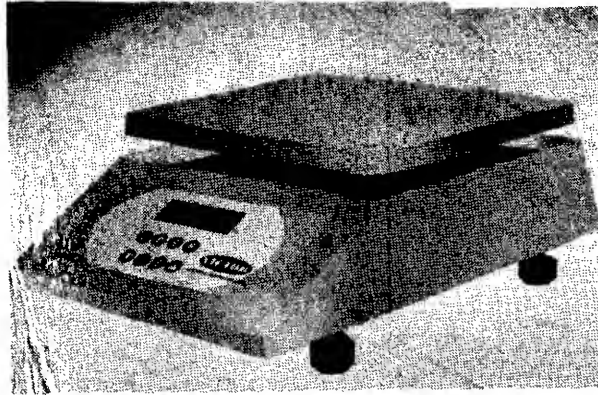
[F. No. WM-21(226)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 मार्च, 2006

का.आ. 1474.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स विकटर इन्स्ट्रुमेंट्स एण्ड सिस्टम्स, पीओली रोड, टकालीकाटा खोदगांव, जिला-अहमदनगर, महाराष्ट्र—द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “बी आई एस-जे पी” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “विकटर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/288 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित (टेबल टॉप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक 'ई' मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(375)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th March, 2006

S.O. 1474.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of 'VIS-JP' series of high accuracy (Accuracy class-II) and with brand name 'VICTOR' (hereinafter referred to as the said Model), manufactured by M/s. Victor Instruments & Systems, Yeoli Road, Takali Phata, Kopergaon-423 601, District—Ahmednagar, Maharashtra and which is assigned the approval mark IND/09/05/288;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg. or more and 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

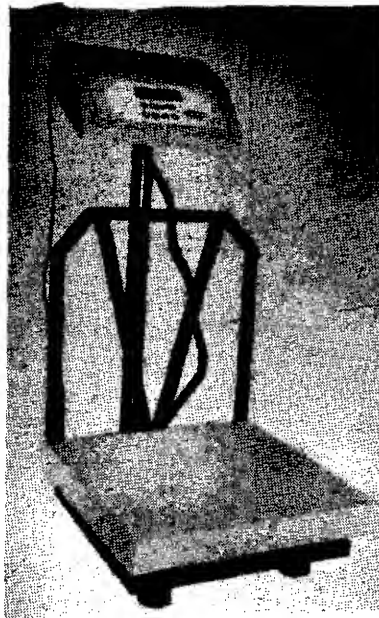
[F. No. WM-21(375)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 मार्च, 2006

का.आ. 1475.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स विक्टर इन्स्ट्रुमेंट्स एण्ड सिस्टम्स, पीओली रोड, टकालीकाटा खोदगांव, जिला अहमदनगर, महाराष्ट्र द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'बी आई एस-पी टी' श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "विक्टर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/289 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित (प्लेटफार्म प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 10 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 500 ग्रा. है। इसमें एक आद्येतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आद्येतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

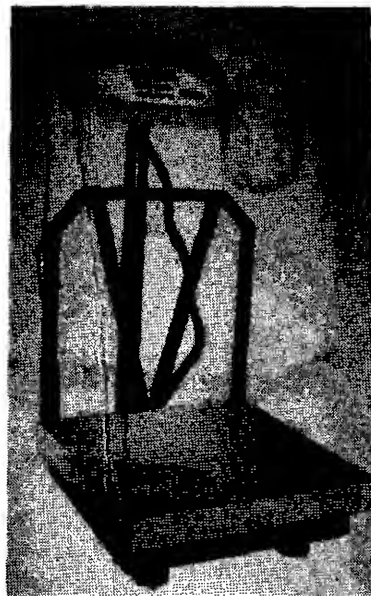
[फा. सं. डब्ल्यू एम-21(375)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th March, 2006

S.O. 1475.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Platform type) with digital indication of 'VIS-PT' series of medium accuracy (Accuracy class-III) and with brand name 'VICTOR' (hereinafter referred to as the said Model), manufactured by M/s. Victor Instruments and Systems, Yeoli Road, Takali Phata, Kopergaon-423 601, District-Ahmednagar, Maharashtra and which is assigned the approval mark IND/09/05/289;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg. and minimum capacity of 10kg. The verification scale interval (e) is 500g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and upto 5000 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

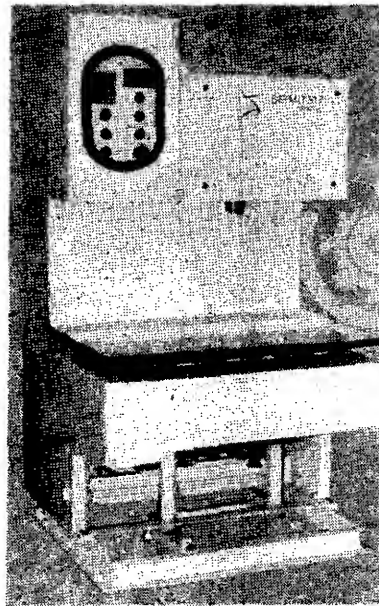
[F. No. WM-21(375)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 मार्च, 2006

का.आ. 1476.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सीमित, इण्डस्ट्रियल डिवलॉपमेंट प्लांट, मुण्डाकाऊ, चेन्नानूर-689212, केरल द्वारा विनिर्मित 'एसईआई-एलएफ' श्रृंखला के स्वचालित भरण मशीन के मॉडल का, जिसके ब्रांड का नाम "ओमनिफिल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/1081 समनुद्देशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक स्वचालित भरण मशीन (वोल्यूमेट्रिक प्रकार) है। इसकी अधिकतम क्षमता 20 कि. ग्रा. अथवा समान वोल्यूम है। इसका प्रयोग विस्कोस लिक्विड उत्पादों जैसे दूध, जूस, खाद्य तेल, वनस्पति घी, मारगेरिन आदि को भरने के लिए किया जाता है। यह प्रति मिनट 10 से 50 पैकेट भरता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन, यथार्थता के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित 50 से 20 कि.लौ. या समान वोल्यूम की रेंज क्षमता के साथ उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे।

[फा. सं. डब्ल्यू एम-21(307)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th March, 2006

S.O. 1476.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Automatic filling machine of “SEI-LF” series and with brand name “OMNIFILL” (hereinafter referred to as the said model), manufactured by M/s. Seimitsu, Industrial Development Plot, Mundancavu, Chengannur-689 121, Kerala and which is assigned the approval mark IND/09/05/1081;



The said Model an automatic filling machine (volumetric type) and its maximum capacity is 20kg. or equivalent volume. It is used for filling the viscous liquids products like milk, juice, vegetable oil, Vanaspathi ghee, margarine etc. It fills 10-15 fills per minute. The instruments operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 50g. to 20kg. or equivalent volume manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

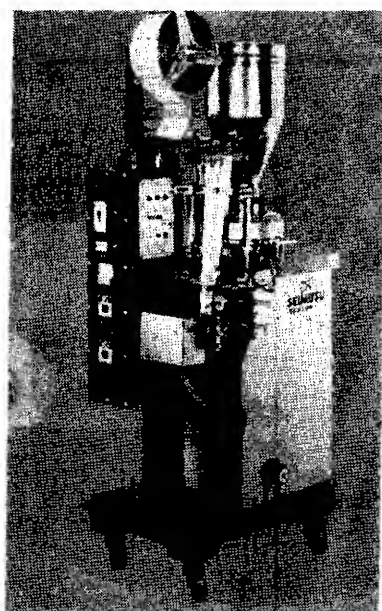
[F. No. WM-21(307)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 24 मार्च, 2006

का.आ. 1477.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सीमितजु, इण्डस्ट्रियल डैवलपमेंट प्लॉट, मुण्डांकाळ, चेन्नानूर-689212, केरल द्वारा विनिर्मित 'एसईआई-सीएफ' श्रृंखला के स्वतः सूचक स्वचालित भरण मशीन (कप फिलर) के मॉडल का, जिसके ब्रांड का नाम "ओमनिपैक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/05/1080 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक स्वचालित भरण मशीन (कप फिलर) है। मल्टी फिलिंग हेड के साथ इसकी अधिकतम क्षमता 1000 ग्राम है। इसका प्रयोग फ्री फ्लोविंग उत्पादों जैसे चाय, कॉफी पाउडर, चीनी, चावल, नमक, ग्रनुअल्स, डिटर्जेंट, बीज, कृषि उत्पादों आदि को भरने के लिए किया जाता है। यह प्रति मिनट 10 से 50 पैकेट भरता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन, यथार्थता के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित 2 ग्राम से 1000 ग्राम की रेंज की क्षमता के साथ उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे।

[फा. सं. डब्ल्यू एम-21(307)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 24th March, 2006

S.O. 1477.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the self indicating, Automatic filling machine (Cup Filler) of "SEI-CF" series with brand name "OMNIPACK" (herein referred to as the said Model), manufactured by M/s. Seimitsu, Industrial Development Plot, Mundancavu, Chengannur-689 121, Kerala and which is assigned the approval mark IND/09/2005/1080;



The said Model is an automatic filling machine (Cup Filler) and its maximum capacity is 1000g. with multi filling head. It is used for filling the free flowing products like tea, coffee powder, sugar, rice, salt, granuales, detergents, seeds, agricultural products etc. It fills 10-15 packets per minute. The instruments operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 2g. to 1000g. manufactured by the same manufacturer in accordance with the same principle, design, accuracy and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(307)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

भारतीय मानक ब्यूरो

नई दिल्ली, 4 अप्रैल, 2006

का. आ. 1478.— भारतीय मानक ब्यूरो नियम 1987 क नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्र. सं.	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	2787:2006 तेल दाब हीटर—विशिष्ट (तीसरा पुनरीक्षण)	2787:1986 तेल दाब हीटर—विशिष्ट (दूसरा पुनरीक्षण)	28 फरवरी 2006

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चंडीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एम. ई.डी./जी-2:1]

सी. के. वेदा, वैज्ञा. एफ एवं प्रमुख (यांत्रिक इंजीनियरिंग)

BUREAU OF INDIAN STANDARDS

New Delhi, the 4th April, 2006

S.O. 1478.—In pursuance of clause (b) of sub-rule (1) of Rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	2787 : 2006 Oil pressure heaters— specification (Third revision)	2787:1986 Oil pressure heaters— specification (Second revision)	28 February 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafer Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar,

Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MED/G-2:1]

C. K. VEDA, Sc. F & Head (Mechanical Engineering)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 17 फरवरी, 2006

का. आ. 1479.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि बरहोला से कोराघाट जी जी एस तक के बीच पेट्रोलियम उत्पादों के परिवहन के लिये पाइप लाइन तेल एवं प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिये।

और यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिये अनुसूचित से वर्जित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः, अब पेट्रोलियम और मिनारेल पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) धारा प्रस्तुत शचिव्यी का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

उक्त भूमि के हितबद्ध कोई उस भूमि के नीचे पाइप लाइन बिछाने के लिये आक्षेप उपायुक्त जोरहाट असम के कार्यालय में इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा। ऐसा प्रक्षेप करने वाला हर व्यक्ति विधिवत यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत हो या किसी विधि व्यवसायी को मार्फत।

अनुसूची

बरहोला जि. जि. एस. से खोराघाट जि. जि. एस. तक की ट्रांक पाइप लाइन:

राज्य : असम — जिला : जोरहाट — तालुक : बरहोला

ग्राम	सर्वे नम्बर	हेक्टर	ऐरे	सेन्टिऐरे
(1)	(2)	(3)	(4)	(5)
शिलडुवी	258/ख	0	25	55
	263/ख	0	0	93
	262/ख	0	5	35
	254/ख	0	43	21
	248/ख	0	0	13
	249/ख	0	9	76
	250/ख	0	9	90
	252/ख	0	0	29
शिलडुवी	253/ख	0	1	20
	317/ख	0	42	94

बरहोला जि. जि. एस. से खोराघाट जि. जि. एस. तक की ट्रांक
पाइप लाइन:

राज्य: असम — जिला: जोरहाट — तालुक:
बरहोला

ग्राम	सर्वे नम्बर	हेक्टर	ऐरे	सेन्टिऐरे
(1)	(2)	(3)	(4)	(5)
गरजान	117/ख	0	8	96
	147/ख	0	58	20
	148/ख	0	30	50
	149/ख	0	0	40
	150/ख	0	8	42
	145/ख	0	16	18
	118/ख	0	1	07
	215/ख	0	0	80
	198/ख	0	0	93
उरंगीयाल	222/ख	0	8	93
गाँड	221/ख	0	1	73
	223/ख	0	16	45
	226/ख	0	14	71
	224/ख	0	12	04
	225/ख	0	10	70
	324/ख	0	12	04
	341/ख	0	12	17
	424/ख	0	0	53
	346/ख	0	27	42
	525/ख	0	3	34
	351/ख	0	4	54
	170/ख	0	1	07
	357/ख	0	26	89
	358/ख	0	16	85
	312/ख	0	18	59
	310/ख	0	21	80
	381/ख	0	14	98
	523/ख	0	2	40
	382/ख	0	12	04
	385/ख	0	7	35
	383/ख	0	12	84

(1)	(2)	(3)	(4)	(5)
	400/ख	0	12	04
	399/ख	0	5	75
	393/ख	0	4	81
	394/ख	0	6	69
	395/ख	0	5	35
	396/ख	0	4	41
	391/ख	0	21	27
	468/ख	0	5	35
	436/ख	0	8	56
	1/ख	0	1	33
बरहोला	241/ख	0	6	15
ग्रांट	242/ख	0	3	74
	243/ख	0	2	54
	244/ख	0	3	07
	245/ख	0	12	57
	318/ख	0	0	53
	246/ख	0	4	95
	206/ख	0	1	87
	205/ख	0	3	74
	317/ख	0	5	21
	247/ख	0	2	54
	248/ख	0	0	40
	204/ख	0	6	15
	203/ख	0	6	95
	250/ख	0	0	53
	251/ख	0	2	54
	202/ख	0	4	95
	201/ख	0	4	54
	339/ख	0	8	02
	252/ख	0	0	53
	199/ख	0	8	56
	198/ख	0	3	88
	197/ख	0	4	68
	296/ख	0	5	35
	195/ख	0	6	02

(1)	(2)	(3)	(4)	(5)
बरहोला ग्रान्ट	194/ख	0	2	27
	193/ख	0	2	27
	192/ख	0	6	55
	191/ख	0	6	95
	190/ख	0	6	55
	127/ख	0	4	68
	112/ख	0	1	07
	177/ख	0	4	54
	346/ख	0	8	02
	175/ख	0	9	09
	174/ख	0	0	40
	रोड	0	0	53
	130/ख	0	5	61
	129/ख	0	0	93
	131/ख	0	2	94
	71/नाला	0	2	93
	381/ख	0	0	40
	380/ख	0	2	54
	379/ख	0	10	70
	227/ख	0	4	81
	228/ख	0	4	81
	229/ख	0	4	68
	230/ख	0	4	54
	231/ख	0	4	68
	232/ख	0	3	61
	233/ख	0	2	54
	234/ख	0	3	47
	235/ख	0	5	08
	236/ख	0	7	62
	237/ख	0	8	29
	238/ख	0	14	04
	239/ख	0	4	54
	240/ख	0	6	15
	337/ख	0	14	45
	133/ख	0	9	76
	134/ख	0	0	26

(1)	(2)	(3)	(4)	(5)
बरहोला ग्रान्ट	9/ख	0	2	94
	7/ख	0	4	95
	5/ख	0	25	15
काकडोंगा	398/ख	0	0	93
हाबिगांड नं. 2	397/ख	0	17	12
	388/ख	0	2	40
	399/ख	0	0	80
	382/ख	0	7	76
	386/ख	0	73	01
	390/ख	0	9	36
	311/ख	0	21	94

[सं. ओ-12016/2/2006/ओएनजी/डी-III]

ओ. पी. बनवारी, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS**(Department of Petroleum)**

New Delhi, the 17th February, 2006

S.O. 1479.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Kharaghat GGS to Borholla GGS in Golaghat and Jorhat District, Assam, pipe line should be laid by Oil and Natural Gas Corporation Limited, Assam and Assam Arakan Basin, Jorhat.

And whereas it appears that for the purpose of laying such pipe lines, it is necessary to acquire the right of User in the land described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 3 of the Petroleum and Mineral pipe lines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land any, within 21 days from the date of this notification object to the laying of the pipe lines under the land to the competent authority, viz. Dy. Commissioner, Jorhat/ Golaghat, Assam.

And every person making such an objection shall also specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE					(1)	(2)	(3)	(4)	(5)
ROU FROM BORHOLLA GGS TO					Urongial	225/Kha	0	10	70
KHORA GHAT GGS					Goan	324/Kha	0	12	04
STATE : ASSAM—DISTRICT : JORHAT-TALUK :						341/Kha	0	12	17
BORHOLLA						424/Kha	0	0	53
Village	Survey No.	Hectare	ARE	Centiare		346/Kha	0	27	42
(1)	(2)	(3)	(4)	(5)		525/Kha	0	3	34
Sildubi	258/Kha	0	25	55		351/Kha	0	4	54
	263/Kha	0	0	93		170/Kha	0	1	07
	262/Kha	0	5	35		357/Kha	0	26	89
	254/Kha	0	43	21		358/Kha	0	16	85
	248/Kha	0	0	13		312/Kha	0	18	59
	249/Kha	0	9	76		310/Kha	0	21	80
	250/Kha	0	9	90		381/Kha	0	14	98
	252/Kha	0	8	29		523/Kha	0	2	40
	253/Kha	0	1	20		382/Kha	0	12	04
	317/Kha	0	42	94		385/Kha	0	7	35
Garjan	117/Kha	0	8	96		383/Kha	0	12	84
	147/Kha	0	58	20		400/Kha	0	12	04
	148/Kha	0	30	50		399/Kha	0	5	75
	149/Kha	0	0	40		393/Kha	0	4	81
	150/Kha	0	8	42		394/Kha	0	6	69
	145/Kha	0	16	18		395/Kha	0	5	35
	118/Kha	0	1	07		396/Kha	0	4	41
	215/Kha	0	0	80		391/Kha	0	21	27
	198/Kha	0	0	93		468/Kha	0	5	35
Urongial	222/Kha	0	8	93		436/Kha	0	8	56
Gaon	221/Kha	0	1	73		1/Kha	0	1	33
	223/Kha	0	16	45	Borholla	241/Kha	0	6	15
	226/Kha	0	14	71	Grant	242/Kha	0	3	74
	224/Kha	0	12	04		243/Kha	0	2	54
						244/Kha	0	3	07
						245/Kha	0	12	57
						318/Kha	0	0	53
						246/Kha	0	4	95

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)	
Borholla	206/Kha	0	1	87	Borholla	381/Kha	0	0	40	
Grant	205/Kha	0	3	74	Grant	380/Kha	0	2	54	
	317/Kha	0	5	21		379/Kha	0	10	70	
	247/Kha	0	2	54		227/Kha	0	4	81	
	248/Kha	0	0	40		228/Kha	0	4	81	
	204/Kha	0	6	15		229/Kha	0	4	68	
	203/Kha	0	6	95		230/Kha	0	4	54	
	250/Kha	0	0	53		231/Kha	0	4	68	
	251/Kha	0	2	54		232/Kha	0	3	61	
	202/Kha	0	4	95		233/Kha	0	2	54	
	201/Kha	0	4	54		234/Kha	0	3	47	
	339/Kha	0	8	02		235/Kha	0	5	08	
	252/Kha	0	0	53		236/Kha	0	7	62	
	199/Kha	0	8	56		237/Kha	0	8	29	
	198/Kha	0	3	88		238/Kha	0	14	04	
	197/Kha	0	4	68		239/Kha	0	4	54	
	196/Kha	0	5	35		240/Kha	0	6	15	
	195/Kha	0	6	02		337/Kha	0	14	45	
	194/Kha	0	2	27		133/Kha	0	9	76	
	193/Kha	0	2	27		134/Kha	0	0	26	
	192/Kha	0	6	55		9/Kha	0	2	94	
	191/Kha	0	6	95		7/Kha	0	4	95	
	190/Kha	0	6	55		5/Kha	0	25	15	
	127/Kha	0	4	68		Kakadonga	398/Kha	0	0	93
	112/Kha	0	1	07		Habi Gaon	397/Kha	0	17	12
	177/Kha	0	4	54		No. 2	388/Kha	0	2	40
	346/Kha	0	8	02			399/Kha	0	0	80
	175/Kha	0	9	09			382/Kha	0	7	76
	174/Kha	0	0	40			386/Kha	0	73	01
Road	118/Kha	0	0	53			390/Kha	0	9	36
	130/Kha	0	5	61			311/Kha	0	21	94
	129/Kha	0	0	93						
	131/Kha	0	2	94						
	71/Nalla	0	2	93						

[No. O-12016/2/2006/ONG/D-III]
O. P. BANWARI, Under Secy.

[No. O-12016/2/2006/ONG/D-III]

O. P. BANWARI, Under Secy.

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 1480.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मुन्द्रा (गुजरात) से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री शिवदत्त गौड़, सक्षम प्राधिकारी, मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, डी-7 लालबहादुर नगर (पूर्व) क्लार्क्स आमेर होटल के सामने, जवाहरलाल नेहरू मार्ग, मालवीय नगर, जयपुर-302017(राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : कोटपूतली			जिला : जयपुर		राज्य : राजस्थान	
क्रम सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल			वर्ग मीटर
			हेक्टेयर	एयर		
1	2	3	4	5		6
1.	बुवाहेडा	1532/2276	0	05		34

[फा. सं. आर-31015/64/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 10th April, 2006

S. O. 1480.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Mundra (Gujarat) to Delhi, a pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Shivdutt Gaur, Competent Authority, Mundra-Delhi Petroleum Product Pipeline, Hindustan Petroleum Corporation Limited, D-7, Lal Bahadur Nagar (East), Opp. Clarks Amer Hotel, Jawaharlal Nehru Marg, Malviya Nagar, Jaipur – 302017 (Rajasthan)

SCHEDULE

Tehsil : KOTPUTLI		District : JAIPUR		State : RAJASTHAN		
Sr. No.	Name of the Village	Khasara No.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
1.	BUCHAHEDA	1532/2276	0	05	34	

[F. No. R-31015/64/2004-O.R.-II]
A. GOSWAMI, Under Secy.

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 1481.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मुन्द्रा (गुजरात) से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री प्रहलाद सिंह, सक्षम प्राधिकारी, मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, मकान संख्या -852, सेक्टर - 6, बहादुरगढ़ - 124507, जिला - झज्जर (हरियाणा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील: पाटौदी	जिला: गुड़गाँव			राज्य: हरियाणा		
गाँव का नाम	हदबस्त संख्या	मुसौतिल संख्या	खसरा/किला संख्या	श्रेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
1. धौलनावास	273	34	17/1/2	00	06	43
2. खलौलपुर	272	10	21/2	00	00	97
		13	24	00	00	78
		20	4	00	00	86
		24	23/1	00	01	33
		32	3	00	00	52
3. खौतेयावास	268	11	8/1	00	01	46
		18	17/2	00	00	87
		28	4	00	00	20
4. बलेवा	271	6	2/1	00	00	27
5. बपास	266	3	14	00	00	95
		16	19	00	01	42
6. गांगली	267	9	19	00	00	86
			22	00	00	26
		12	2	00	00	20

1	2	3	4	5	6	7	8
7. पहाड़ी	265	1	18	00	00	34	
		22	19	00	01	23	
			324/1	00	00	43	
8. मौजाबाद	21	6	20	00	00	83	
9. डाडावास	20	30	8/2	00	00	30	
10. हकदारपुर	19	16	16/1	00	00	80	
			16/2	00	00	53	
			25/1	00	00	49	
		25	3/2	00	00	10	
			4	00	00	66	
			7/2	00	00	69	
			8	00	00	35	
			22	00	00	70	
			23/2	00	00	36	
		37	12	00	00	20	
			21/1	00	00	68	
		42	17/1	00	00	62	
11. शेरपुर	16	4	14/2	00	00	67	
			17	00	01	18	
		8	7/2	00	00	29	
			8/1	00	00	73	
			8/2	00	00	10	
			13	00	01	44	
			18	00	00	31	
			23/1	00	00	24	
		26	9/2	00	00	60	
	16	26	19	00	00	57	
			22/1	00	00	20	
		49	26	00	01	62	
		61	12	00	00	87	
			82	00	01	83	
12. राजपुरा	8	3	23	00	01	52	
		12	2/1	00	00	34	
			21	00	01	46	
		17	23	00	00	20	
		28	3	00	02	79	
			12	00	00	77	
			19/1	00	00	70	
		32	16/1	00	00	23	
		33	2	00	00	40	
			10	00	00	38	
			11	00	00	63	

[फा. सं. आर-31015/49/2004-ओ.आर.-II.]

ए. गोस्वामी, अवर सचिव

New Delhi, the 10th April, 2006

S. O. 1481.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Mundra (Gujarat) to Delhi, a pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Prahlad Singh, Competent Authority, Mundra - Delhi Petroleum Product Pipeline Project, Hindustan Petroleum Corporation Limited, H. No. 852, Sector - 6, Bahadurgarh - 124507, District - Jhajjar (Haryana).

SCHEDULE

Tehsil : PATODI		District : GURGAON		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
1. GHILANAWAS	273	34	17/1/2	00	06	43
2. KHALILPUR	272	10	21/2	00	00	97
		13	24	00	00	78
		20	4	00	00	86
		24	23/1	00	01	33
		32	3	00	00	52
3. KHETIAWAS	268	11	8/1	00	01	46
		18	17/2	00	00	87
		28	4	00	00	20
4. BALEWA	271	6	2/1	00	00	27
5. BAPAS	266	3	14	00	00	95
		16	19	00	01	42
6. GANGLI	267	9	19	00	00	86
			22	00	00	26
		12	2	00	00	20

1	2	3	4	5	6	7	8
7. PAHARI	265	1	18	00	00	34	
		22	19	00	01	23	
			324/1	00	00	43	
8. MOZZABAD	21	6	20	00	00	83	
9. DADAWAS	20	30	8/2	00	00	30	
10. HAKDARPUR	19	16	16/1	00	00	80	
			16/2	00	00	53	
			25/1	00	00	49	
		25	3/2	00	00	10	
			4	00	00	66	
			7/2	00	00	69	
			8	00	00	35	
			22	00	00	70	
			23/2	00	00	36	
		37	12	00	00	20	
			21/1	00	00	68	
		42	17/1	00	00	62	
11. SHERPUR	16	4	14/2	00	00	67	
			17	00	01	18	
		8	7/2	00	00	29	
			8/1	00	00	73	
			8/2	00	00	10	
			13	00	01	44	
			18	00	00	31	
			23/1	00	00	24	
		26	9/2	00	00	60	
	16	26	19	00	00	57	
			22/1	00	00	20	
		49	26	00	01	62	
		61	12	00	00	87	
			82	00	01	83	
12. RAJPURA	8	3	23	00	01	52	
		12	2/1	00	00	34	
			21	00	01	46	
		17	23	00	00	20	
		28	3	00	02	79	
			12	00	00	77	
			19/1	00	00	70	
		32	16/1	00	00	23	
		33	2	00	00	40	
			10	00	00	38	
			11	00	00	63	

[F. No. R-31015/49/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 12 अप्रैल, 2006

का. आ. 1482.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मुन्दा (गुजरात) से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री प्रहलाद सिंह, सक्षम प्राधिकारी, मुन्दा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन परियोजना, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, मकान संख्या -852, सेक्टर - 6, बहादुरगढ़ - 124507, जिला - झज्जर (हरियाणा) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील: फरुखनगर		जिला: गुड़गाँव		राज्य: हरियाणा		
गाँव का नाम	हदबस्त संख्या	मुसतिल संख्या	खसरा/किला संख्या	श्रेत्रफल		
				हेक्टेयर	एयर	वर्गमीटर
1. बिरहेड़ा	5	5	23/2	00	00	90
		16	11/1/2	00	01	35
			11/2	00	02	89
		31	2	00	00	20
			3	00	03	68
2. मुशेदपुर	6	9	23	00	00	30
		20	5/2	00	00	30
		34	23/2	00	01	28

New Delhi, the 12th April, 2006

S. O. 1482.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Mundra (Gujarat) to Delhi, a pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Prahlad Singh, Competent Authority, Mundra - Delhi Petroleum Product Pipeline Project, Hindustan Petroleum Corporation Limited, H. No. 852, Sector - 6, Bahadurgarh - 124507, District - Jhajjar (Haryana).

SCHEDULE

Tehsil : FARUK NAGAR		District : GURGAON		State : HARYANA		
Name of Village	Hadbast No.	Mustil No.	Khasara / Killa No.	Area		
				Hectare	Are	Square Metre
1. BIRHERA	5	5	23/2	00	00	90
		16	11/1/2	00	01	35
			11/2	00	02	89
		31	2	00	00	20
			3	00	03	68
2. MUSHIDPUR	6	9	23	00	00	30
		20	5/2	00	00	30
		34	23/2	00	01	28

[F. No. R-31015/35/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 12 अप्रैल, 2006

का. आं. 1483.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 4434 तारीख 25 नवम्बर 2005, जो भारत के राजपत्र तारीख 26 नवम्बर, 2005, में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मुन्दा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से गुजरने वाले राज्य में मुन्दा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 12 जनवरी, 2006, को उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर - 31015/7/03 ओ.आर-II दिनांक 25/11/2004 द्वारा लगाई गई शर्तों के अध्याधीन सभी विल्लंगनों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : पिण्डवाड़ा		जिला : सिरोंही	राज्य : राजस्थान		
क्रम सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल		
1	2	3	हेक्टेयर	एयर	वर्ग मीटर
1.	कासिमड़ा	261/495	0	07	48
		389/483	0	02	24
2.	कोदरला	457	0	00	20
		458	0	03	60
3.	रामपुरा	554/223	0	00	20
4.	पिण्डवाड़ा	3409	0	01	10
		3410	0	01	57
		3413	0	09	93
		3416	0	05	96
		3417	0	00	58
		3457	0	00	20
		3462	0	03	85
		3601	0	00	20
		3618	0	00	56
		3641	0	05	79
		3640	0	00	78
		3647	0	03	49
		3633	0	00	99
		3646	0	01	07
		3645	0	00	20
		3596/3831	0	09	90

[फा. सं. आर-31015/46/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 12th April, 2006

S. O. 1483.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 4434 dated the 25th November, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), published in the Gazette of India dated the 26th November, 2005, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products from Mundra in the State of Gujarat to Delhi through Mundra Delhi Petroleum Product Pipeline by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 12th January, 2006;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter no. R-31015/7/03 OR- II dated 25-11-2004.

SCHEDULE

Tehsil : PINDWARA		District : SIROHI	State : RAJASTHAN		
Sr. No	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
1. KASINDRA		261/495	0	07	48
		389/483	0	02	24
2. KODARLA		457	0	00	20
		458	0	03	60
3. RAMPURA		554/223	0	00	20
4. PINDWARA		3409	0	01	10
		3410	0	01	57
		3413	0	09	93
		3416	0	05	96
		3417	0	00	58
		3457	0	00	20
		3462	0	03	85
		3601	0	00	20
		3618	0	00	56
		3641	0	05	79
		3640	0	00	78
		3647	0	03	49
		3633	0	00	99
		3646	0	01	07
		3645	0	00	20
		3596/3831	0	09	90

[F. No. R-31015/46/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 14 अप्रैल, 2006

का. आ. 1484.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 430 तारीख 1 फरवरी, 2005 (शुद्धिपत्र संख्या का. आ. 3684 तारीख 07 अक्टूबर, 2005), जो भारत के राजपत्र तारीख 5 फरवरी, 2005 एवं 8 अक्टूबर, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 3 दिसम्बर, 2005 को उनलब्ध करा दी गई थी ; दी गई थी ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगनों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : इन्द्रगढ़		जिला : बुन्देल	राज्य : राजस्थान
क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	माण्डगवार	276	0.0265
		270	0.1944
		144	0.0360
		112	0.0981
		111	0.2537
		113	0.0216
		114	0.3240
		115	0.2016
		105	0.0936
		106	0.0020
		39	0.4680
		80	0.1584
		48	0.0936

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	मोण्डा मवार (जारा)	36	0.0432
		35	0.0432
		34	0.2016
		31	0.0072
		32	0.0288
		33	0.0720
		22	0.0864
		24	0.1584
2.	जाड़ला	547	0.1147
		548	0.1136
		545	0.2376
		544	0.1152
		543	0.0072
		538	0.2736
		521	0.2303
		522	0.0648
		517	0.0576
		516	0.1152
		523	0.0050
		494	0.0050
		495	0.0648
		496	0.0792
		497	0.1080
		498	0.1484
		499	0.1531
		490	0.0880
		489	0.0288
		488	0.2160
		487	0.2592
		401	0.1008
		402	0.0432
		296	0.1656
		297	0.0216
		301	0.1008
		300	0.0504
		302	0.0144
		291	0.0792
		290	0.0360
		269	0.1366
		243	0.0773
		242	0.0936
		220	0.0816
		217	0.1152
		221	0.0158

क्र०	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
2	जाइला (जारी...)	216	0.0576
		222	0.0072
		183	0.0720
		184	0.1512
		185	0.0144
		174	0.0216
		172	0.1368
		171	0.0648
		170	0.0365
		169	0.0864
		191	0.0811
		298	0.0288
		268	0.1152
		264	0.0072

[फा. सं. आर-31015/85/2004-ओ.आर.-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 14th April, 2006

S. O. 1484.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 630 dated the 21st February, 2005 (amended vide S.O. number 4323 dated the 17th November, 2005), issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 26th February, 2005 and 19th November, 2005 respectively, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products from Mangliya (Indore) terminal in the State of Madhya Pradesh, to Piyala in the State of Haryana and Bliwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 3rd December, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land, specified in the Schedule ; appended to this notification , is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : INDARGARH		DISTRICT : BUNDI	STATE : RAJASTHAN
S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
1.	BHANDGANWAR	276	0.0265
		270	0.1944
		144	0.0360
		112	0.0981
		111	0.2537
		113	0.0216
		114	0.3240
		115	0.2016
		105	0.0936
		106	0.0020
		99	0.4680
		80	0.1584
		48	0.0936
		36	0.0432
		35	0.0432
		34	0.2016
		31	0.0072
		32	0.0288
		33	0.0720
		22	0.0864
		24	0.1584
2.	JADLA	547	0.1147
		548	0.1136
		545	0.2376
		544	0.1152
		543	0.0072
		538	0.2736
		521	0.2303
		522	0.0648
		517	0.0576
		516	0.1152
		523	0.0050

S.No.	NAME OF VILLAGE	SURVEY NO.	AREA IN HECTARE
1	2	3	4
2.	JADLA (Contd...)	494	0.0050
		495	0.0648
		496	0.0792
		497	0.1080
		498	0.1484
		499	0.1531
		490	0.0880
		489	0.0288
		488	0.2160
		487	0.2592
		401	0.1008
		402	0.0432
		296	0.1656
		297	0.0216
		301	0.1008
		300	0.0504
		302	0.0144
		291	0.0792
		290	0.0360
		269	0.1368
		243	0.0773
		242	0.0936
		220	0.0816
		217	0.1152
		221	0.0158
		216	0.0576
		222	0.0072
		183	0.0720
		184	0.1512
		185	0.0144
		174	0.0216
		172	0.1368
		171	0.0648
		170	0.0365
		169	0.0864
		191	0.0811
		298	0.0288
		268	0.1152
		264	0.0072

[F. No. R-31015/85/2004-O.R.-II]

A. GOSWAMI, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 16 मार्च, 2006

का. आ. 1485.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन एयरलाइंस लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में न्यायमूर्ति श्री के. रामामूर्थी (रिटायर्ड), एकमात्र विवादक के पंचाट [संदर्भ संख्या एल-20025/3/2005-आई. आर. (सी-1) दिनांक 10-5-2005] को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-03-2006 को प्राप्त हुआ था।

[सं. एल-20025/3/2005-आई. आर. (सी-1)]

एस. एस. गुप्ता, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 16th March, 2006

S.O. 1485.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. No. L-20025/3/2005-IR(C-1) dt. 10-5-2005] of Justice Sh. K. Ramamoorthy (Retd.), sole Arbitrator, as shown in the Annexure in the Industrial Dispute between the employer in relation to the management of Indian Air Lines Ltd. and their workmen, which was received by the Central Government on 16-3-2006.

[No. L-20025/3/2005-IR(C-1)]

S. S. GUPTA, Under Secy.

ANNEXURE**BEFORE THE HON'BLE ARBITRATOR
JUSTICE K. RAMAMOORTHY (Retd.)**

December 29, 2005

IN THE MATTER OF:-

- | | |
|---|---|
| 1. The Director (P & IR)
Indian Air Lines Ltd.
Airlines House,
113, Gurudwara Rakabganj
Road, New Delhi. | Represented by
M/s. Suri & Company
Law Firm |
| 2. The President,
All India Aircraft Engineers
Association,
Central Office,
Indian Airlines Ltd.
Engineering Hangar No. 1,
Begumpet,
Hyderabad-16. | Represented by
Mr. M. L. Lahoty with
Mr. Paban Sharma
and Ms. Poli Kataki
Advocates |
| 3. The President,
Indian Aircraft Technicians
Association, IATA Office,
Terminal No. I, IGI Airport,
New Delhi-110037. | Represented by
Mr. M. N. Krishnamani
Sr. Advocate with
Mr. Manoj Saxena
Advocate |

AWARD

1. The issue with regard to change of designations in respect of the following categories of employees has

been referred under Section 10-A of the Industrial Disputes Act, 1947 for adjudication :—

EXISTING	PROPOSED
Sr. Foreman/Sr. Inspector	Production Engineer-I/ Inspection Engineer-I
Foreman 'A'/Inspector 'A'	Production Engineer-II/ Inspection Engineer-II
Sr. Master Technician/ Inspector	Asstt. Production Engineer/Asstt. Inspection Engineer

2. The employees of Indian Airlines (hereinafter referred to as the Management), who are the members of the Indian Aircraft Technicians Association, since November 1999 have been raising an issue with reference to the change of designations. The Association is hereinafter referred to as IATA.

3. IATA cited the example of government servants, employees in Public Sector Undertakings who are similarly situated and they are all designated as Jr. Engineers. It appears that the issue of change of designation was discussed by the Management with the IATA and it was agreed that the proposal for change of designation as mentioned below would be processed for approval :—

EXISTING	PROPOSED
Sr. Foreman/Sr. Inspector	Production Engineer-I/ Inspection Engineer-I
Foreman 'A'/Inspector 'A'	Production Engineer-II/ Inspection Engineer-II
Sr. Master Technician/ Inspector	Asstt. Production Engineer/Asstt. Inspection Engineer
Master Technician	No Change
Sr. Technician	No Change
Technician	No Change

4. It was agreed that the change of designation will remain restricted to the upper most three level membership of the IATA. The Management by letter dated 7-12-2004 informed the IATA that the implementation of the proposal was expected to be effected in the pay slips of related categories for the month of January 2005. Instructions were issued by the General Manager (F) on 24-1-2005 informing the Director (IT) of the change of designation and the same was incorporated in the pay slips for the month of January 2005. The Management invited the All India Aircraft Engineers Association (hereinafter referred to as AIAEA) for discussion AIAEA opposed the move made by the Management.

5. Subsequently meetings were held. Ultimately, all the parties had agreed for a reference under Section 10-A of the Industrial Disputes Act, 1947.

6. On 18-3-2005 agreement was entered into between the parties. On the heading specific matter in the dispute the following is what had been agreed by the parties :—

“The issue with regard to change of designation in respect of certain categories of employees represented by IATA as indicated in the recital above.

(i) Details of the parties to the disputes (including the name and address of the establishment or undertakings involved).

1. Indian Air Lines Ltd.
Airlines House,
113, Gurudwara Rakabgang Road,
New Delhi.
2. All India Aircraft Engineers Association,
Regd. No. B-539,
Central Office,
Indian Airlines Ltd.
Engineering Hangar No. 1,
Begumpet,
Hyderabad-16.
3. Indian Aircraft Technicians Association,
Regd. No. 4927,
IATA Office,
Terminal No. 1, IGI Airport,
New Delhi-110037.

(ii) Total number of workmen employed : 18531
in the Undertaking affected.

(iii) Estimated number of workmen : 3056
Affected or likely to be affected.

We further agree that the decision of the Arbitrator shall be Binding on us”.

7. By letter dated 28-3-2005 I received from the Management enclosing the agreement in Form-C under Section 10-A of the Industrial Disputes Act, 1947 wherein I have to act as Sole Arbitrator for adjudicating on the disputes.

8. I directed the parties to appear for preliminary hearing on 9-4-2005. The parties took time for filing representations.

9. On 18-7-2005 AIAEA submitted its representation. It was represented by Mr. M. L. Lahoty, Advocate. In the representation the opinions given by Hon'ble Mr. Justice B. V. Chavan (Retd.) to Air India is enclosed.

10. On 9-8-2005 IATA submitted its reply. It was represented by Mr. M. N. Krishnamani, Sr. Advocate and Mr. Manoj Saxena Advocate. Along with the Note, the following documents have been enclosed :—

1. Record Note of Understanding dated 25-3-1999 (Air India Employees' Guild and the Air India).

2. Opinion of Hon'ble Mr. Justice B. V. Chavan (Retd.) given to Air India.

3. Change of designation issued by Indian Airlines on 15-9-1994.

4. Memorandum issued by Indian Airlines on 27-5-1976 for change of designation in Engineering Department.

11. On 17-8-2005 the AIAEA submitted its Rejoinder to the reply given by IATA. Along with the Rejoinder the following documents are filed :—

1. Annexure A copy of Daily Inspection Schedule of Indian Airlines.
2. Annexure B Relevant portions of Quality Control Manual.
3. Annexure C copy of CAR (Civil Aviation Requirements).
4. Annexure D advertisement dated 26-7-2005 issued by the Management for the posts of Senior Aircraft Maintenance Engineer Trainee and Aircraft Maintenance Engineer Trainee.

12. On 19-9-2005 IATA submitted Short Notes of Submissions.

13. On 1-10-2005 an affidavit on behalf of IATA was filed by Mr. Yogesh Kumar, General Secretary of the IATA enclosing following documents :—

1. Circular dated 29-3-1999 issued by the Air India for change of designation Technical/Non-Technical covered by Air India Employees Guild.
2. Record Note of Understanding between Air India Employees Guild dated 21-6-2001.
3. Memorandum of Settlement executed between the Management of Pawan Hans Helicopters Ltd. and All India Civil Aviation Employees Union on 30-10-1992.
4. Circular dated 20-1-1992 issued by Govt. of India, Civil Aviation Department in regard to issue of Basic Aircraft Maintenance Engineer Certificate.
5. Circular issued on 7-8-1996 by Govt. of India regarding certifying of Inspection Schedules by Technicians.

14. Besides the above, on 1-10-2005 Mr. M. L. Lahoty, learned counsel for AIAEA submitted the following :—

1. Proceedings dated 30-3-2005 issued by Dr. G. M., Indian Airlines.
2. Sheet captioned Additional Items of Inspection and off Job Sheet.

3. Letter dated 5-4-2005 from Dy. G. M. (Engg), Indian Airlines to Master Technicians.
4. Details of IATA Strength.
5. Advertisement issued by Air India for Service Engineer (Trainee).
6. Advertisement issued by Air India on 26-7-2005 for Sr. Aircraft Maintenance Engineer Trainee/ Aircraft Maintenance Engineer Trainee; and
7. Details of Average Emoluments drawn by IATA from October 2004 to March 2005.

15. On 14-10-2005 learned senior counsel for IATA submitted a bunch of documents wherein the change of designation in Air India and Pawan Hans Helicopters and Indian Airlines is shown. In the bunch the split qualification of IATA is given. A list of affected members with qualification is given. An extract from Engineering Training Manual, Circular dated 27-12-2004 (in Hindi) from Indian Airlines Ltd., Northern Zone, showing vacancies only of SC/ST for Trainee Technician (Aircraft Overhaul) and Trainee Technician (Instrument). Staff Notice dated 28-2-1984 issued by Air India. A-320 Tech. and Fuel Log Record.

16. On 1-11-2005 Mr M. N. Krishnamani, learned senior counsel for the IATA submitted a circular dated 13-9-1984 in respect of minimum educational qualification for grant of AME/ARME Licence. Letter dated 24-1-2005 issued by GM (Finance-II) regarding change of designation.

17. On the same day, Mr. Lahoty, learned counsel for AIAEA submitted the following :—

1. Advertisement issued by Indian Airlines (Northern Region) for the post of Aircraft Technicians.
2. Certificate dated 31-12-1965 issued to Narinder Kumar Sharma by Senior Board of Secondary Education.
3. Intermediate Examination Certificate dated June 1963 issued to Brijeshwar Dayal Mathur by Board of High School & Intermediate Education, Uttar Pradesh.

18. Mr. M. N. Krishnamani, learned senior counsel for IATA submitted :—

1. AIAEA has no locus standi to challenge the change of designation accepted by the Management and the Management has the prerogative;
2. While accepting the change of designation the Management had undertaken into account all relevant factors and the employees covered by the change of designation and the employees of

AIAEA are all on the same category as it were and, therefore, the Management had acted in accordance with law;

3. The employees covered by the change of designation and the employees in AIAEA possess the same qualifications. Some of the employees in IATA possess Engineering qualification and some of the employees in AIAEA do not possess any qualification at all.
4. If the case of AIAEA is accepted the Management will be violating the provisions of Articles 14 and 16 of the Constitution of India.

19. Mr. M. L. Lahoty, learned counsel for AIAEA submitted that while considering the change of designation the relevant statutory provisions in the Aircraft Rules, 1937 should have been taken into account. The qualifications prescribed for the appointment of Engineers and the qualifications prescribed for Technicians are different. The Engineers have to give Certificates of airworthiness to the Aircraft, the duties and responsibilities and the qualifications are entirely different. The Technicians are not equal to the Engineers and the unequals cannot be treated equally. Designation is an important facet of one's career in any employment and that cannot be treated lightly. The pay is not relevant. The learned counsel submitted in the light of the provisions in the Aircraft Rules and the requirements for the posts the claim for change of designation by the IATA is not at all justified.

20. On 14-10-2005 Mr. M. N. Krishnamani, learned senior counsel for IATA elaborated his submissions. On the same day, the learned counsel Mr. M. L. Lahoty for AIAEA also made his submissions meeting the arguments put forth by Mr. M. N. Krishnamani, learned senior counsel.

21. On 11-11-2005 Mr. M. N. Krishnamani, learned senior counsel for SIATA and Mr. M. L. Lahoty, learned counsel for AIAEA made brief submissions.

22. Before I deal with the respective submissions of the learned counsel for the IATA and AIAEA, it is necessary to have a brief note about the principles involved. For giving designation to any post an employer has to take into account the qualifications for the post, the nature of work, responsibilities assigned to the employee, the categorization of employees, the grades in the ladder of service, the recruitment rules and the hierarchy structure.

23. The violation of any constitutional mandate under Articles 14 & 16 of the Constitution of India in respect of the designation of posts has to be tested on the anvil of equality. Mere assertion of infringement of Fundamental Right, will not suffice. This important aspect of equality has been dealt with by the Supreme Court while considering the claims of employees of Government and Public Sector Undertakings for equal pay for equal work and parity of

status. The law laid down by the Supreme Court in that context would be very relevant. In order to appreciate the principle one has to bear in mind the maxim *IN FICTIONE JURIS SEMPER EQUITAS EXISTIT*.—Equity is the life of a legal fiction. Fiction is an aid to thinking, of which one avails oneself if the aim of one's thinking cannot be reached with the material available. The aim of one's thinking in presupposing the basic norm is to ground the validity of the norms forming a positive moral or legal order; that is, to interpret the subjective meaning of the acts positing these norms as their objective meaning, i.e. as valid norms, and the acts in question as acts positing norms. This object can be attained only by way of a fiction. The meaning of fiction in jurisprudence is related to presumption *juris et de jure*, or irrebuttable presumption of law. It is with this legal theory, the law laid down by the Supreme Court has to be applied to the facts of the instant case.

24. The Supreme Court in *C. A. Rajendran V. Union of India and others*, AIR 1968 SC 507 at 511 has posited :—

“The relevant law on the subject is well settled. Under Article 16 of the Constitution, there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State or to promotion from one office to a higher office thereunder. Articles 14, 15 and 16 form part of the same constitutional code of guarantees and supplement each other. In other words, Art. 16 of the Constitution is only an incident of the applicant of the concept of equality enshrined in Article 14 thereof. It gives effect to the doctrine of equality in the matter of appointment and promotion. It follows therefore that there can be a reasonable classification of the employees for the purpose of appointment and promotion. To put it differently, the equality of opportunity guaranteed by Article 16(1) means equality as between members of the same class of employees, and not equality between members of separate, independent classes”.

25. The classification of job and designation would depend upon various factors and I shall be dealing with the rules *infra*.

26. The Supreme Court in *The State of Jammu & Kashmir V. Triloki Nath Khosa & Ors.*, AIR 1974 SC 1 has held classification is primarily for the statutory authority charged with the duty of framing of the terms and conditions and if the classification is found to rest on a reasonable basis it has to be upheld. No doubt, the concept of equal very undoubtedly permeates the whole spectrum of an individual's employment from appointing through promotion and termination to the payment of gratuity and pension. Pension equality is for equals. Those who are similarly circumstanced are entitled to equal treatment. Since the constitutional code of equality and equal opportunity is a charter for equals, equality of opportunity

in matters of promotion means an equal promotional opportunity for persons who fall, substantially, within the same class. A classification of employees can therefore, be made for first identifying and then distinguishing members of one class from those of another.

27. The Supreme Court has further expatiated that classification, therefore, must be truly founded on substantial differences which distinguish persons grouped together from those left out of the group and such differential attributes must bear a just and rational relation to the object sought to be achieved.

28. It is axiomatic that employers encounter diverse problems arising from a variety of circumstances and they are entitled to lay down conditions of efficiency and other qualifications and christened the post/designation for securing the best services in order to achieve the optimum result in performing duties and responsibilities undertaken by them.

29. Mr. M. N. Krishnamani, learned senior counsel for IATA rested his submissions on the fact that the Management had already accepted the demand of the IATA and, therefore, it must be presumed that the relevant criteria have been taken into account, in my view, that is begging the question.

30. With a view to having a clear pronouncement on the position, the Management had agreed for reference under Section 10-A of the Industrial Disputes Act, 1947. The classifications/designations were made originally on the basis of the facts stated above. For, it is the classification which determines the range of persons affected by the special burden or benefit of a law which does not apply to all persons. This brings out a paradox. The equal protection of the laws is a “pledge of the protection of equal laws”. But laws may classify. And, as pointed out by Justice Brewer, “the very idea of classification is that of inequality”. The Court has tackled this paradox over the years and in doing so, it has neither abandoned the demand for equality nor denied the legislative right to classify. It has adopted a middle course of realistic reconciliation. It has resolved the contradictory demands of legislative specialization and constitutional generality by a doctrine of reasonable classification. This doctrine recognizes that the legislature may classify for the purpose of legislation but requires that the classification must be reasonable. It should ensure that persons or things similarly situated are all similarly treated. The measure of reasonableness of a classification is the degree of its success in treating similarly those similarly situated, see “The Equal Protection of the Laws”, 37 California Law Review, 341.

31. Therefore, the designations already given to various posts depended on the classifications made. The classification is now challenged on the premise that there

is no difference between the nature of the duties and responsibilities of the posts. It is in this light the reasonableness of the rules have to be tested. The test which has been evolved for this purpose is whether the classification is founded on an intelligible differentia which distinguishes certain persons or things that are grouped together from others and that differentia must have rational relation to the object sought to be achieved by the Rules or the Statute. The Supreme Court has warned "Mini-classifications based on micro-distinctions are false to our egalitarian faith and only substantial and straightforward classifications plainly promoting relevant goals can have constitutional validity. To overdo classification is to undo equality".

32. Stating broadly the scope of Article 16 it has held that the soul of Article 16 is the promotion of the common man's capabilities, overpowering environmental adversities and opening up full opportunities to develop in official life without succumbing to the sophistic argument of the elite that talent is the privilege of the few and they must rule.

33. Mr. M. N. Krishnamani, learned senior counsel for IATA while making submissions had assumed that the members in question of IATA and the members of AIAEA had always been fused into one class and, therefore, the designation now proposed would not result in violation of any Fundamental Right.

34. Mr. M. L. Lahoty, learned counsel for AIAEA submitted that the designation proposed would result in contravention of Fundamental Right. According to the learned counsel if an unequal is treated equally that also comes within the mischief of Articles 14 and 16 of the Constitution. The learned counsel submitted under the guise of asking for designation IATA is driving the thin end of the wedge to place itself equal to the Engineers. Mr. Lahoty, learned counsel submitted that it is open to the employer to have different designations to various posts having regard to not only the educational qualification but also the duties and responsibilities of the posts. The learned counsel submitted equality must be among equals. Unequals cannot claim equality. Sometimes even if the educational qualifications are the same in respect of two different posts they cannot be equated. When persons are expected to render professional services the employer has to be very careful. This aspect of matter was considered by the Supreme Court in *Dr. C. Girijambal v. Government of Andhra Pradesh*, (1981) 2 SC 155. Considering the nature of work performed by the employees of different posts when equal pay for equal work was claimed the Supreme Court observed :—

"Dealing with the first contention we would like to observe at the outset that the principle of equal pay for equal work cannot be invoked or applied invariably in every kind of service and certainly it cannot be invoked in the area of professional services

when these are to be compensated. Dressing of any injury or wound is done both by a doctor as well as a compounder, but surely it cannot be suggested that for doing this job a doctor cannot be compensated more than the compounder. Similarly, a case in court of law is argued both by a senior and a junior lawyer, but it is difficult to accept that in matter of remuneration both should be treated equally. It is thus clear that in the field of rendering professional services at any rate the principle of equal pay for equal work would be inapplicable. In the instant case medical officers holding the qualification of GCIM, or the qualification of LIM or the qualification of DAM, though in charge of dispensaries run by Zila Parishads, cannot, therefore, be treated on par with each other and if the State Government or the Zila Parishads prescribe different scales of pay for each category of medical officers no fault could be found with such prescription.

35. When the members of IATA and AIAEA are not equal, the members of IATA are trying to be equal atleast by the nomenclature of being designated as Engineers. They completely ignore the principles laid down by the Supreme Court in *Government of W. B. v. Tarun K. Roy & Ors.*, (2004) 1 SC 347, *Chandravathi P. K. & Ors. v. C. K. Saji & Ors.*, (2004) 3 SCC 734, *State of Punjab & Ors. v. Savinderjit Kaur*, (2004) 4 SC 58, *M. P. Rural Agriculture Extension Officers Association v. State of M. P. & Anr.*, (2004) 4 SCC 646, and *Deb Narayan Shyam & Ors. v. State of W. B. & Ors.*, (2005) 2 SC 286.

36. In *State of West Bengal & Ors. v. Madan Mohan Sen & Ors.*, (1993) 3 Suppl. 243 a similar question was mooted out where employees in a lower grade claimed parity with a higher grade. A category called Agragamies claimed parity with firemen/leaders in the Fire Service Department. Following the judgment of the Supreme Court in *State of M. P. v. Pramod Bhartiya*, (1993) 1 SCC 539 the Supreme Court expressed a view that what is really material is whether the two categories perform similar functions and discharge similar duties and responsibilities and not, whether their qualifications and/or service conditions are similar. What the Supreme Court expressed is relevant for the present discussion and the same is as under :—

"It would be evident from a comparison of the nature of duties, responsibilities and functions of the Agragamies and firemen/leaders of Fire Service Department that they are neither same nor similar. The firemen and leaders are the members of the Fire Service Department, whereas the Agragamies are members of West Bengal Civil Emergency Force meant as an auxiliary force to assist the various Government departments and agencies in times of emergency and acute need. No doubt they are also members of a Government service and they too have to report to

their office and be available for such duties as they may be called upon to perform. But it would not be correct to say that they perform the same or similar duties as that of firemen or leaders of the Fire Service Department. There is bound to be a difference in the quality of fire-fighting job of both of them. Firemen and leaders are a specialized fire-fighting force while the Agragamies are, so to speak, 'jacks of all trades' having been given elementary training in various fields. When called upon to assist, Agragamies assist fire-fighting personnel including firemen and leaders just as they assist personnel of other departments. It is ideal to contend that they perform the same duties and functions as firemen/leaders. They assist not only the Fire Service Department but Police Department, Municipal Authorities, Medical and Health Authorities, Social Service Department and so on and so forth. It is not clear as to why the respondents have picked upon the particular category of firemen/leaders of Fire Service Department to claim a particular higher pay scale. It is not as if they are attached to Fire Service Department. As stated rightly by the learned counsel for the State, the Agragamies are eligible for absorption as firemen/leaders in the Fire Service Department, in the case of vacancies being available, subject to eligibility and suitability. They are governed by different service conditions and merely because the academic qualifications and physical requirement of both are similar or that the Agragamies are also given a certain fire-fighting training along with other training, it cannot be said that they perform similar duties, functions and responsibilities as the firemen/leaders. The respondents have failed to establish the crucial facts entitling them to the higher pay scale. They have also failed to prove that they are discriminated in any manner in the matter of pay."

37. In the instant case, the IATA is claiming parity and on the score is claiming designation as Engineer. All cannot be designated as Engineers. To be designated in a proper way is an incidence of service that is the submission of Mr. M. L. Lahoty, learned counsel for IATA.

38. In *State of West Bengal & Ors. v. Deb Kumar Mukherjee & Ors.*, AIR 1995 SC 1889 the Supreme Court laid down that gradation in service jurisprudence is well known.

39. In *Shiba Kumar Dutta & Ors. v. Union of India & Ors.*, (1997) 3 SC 545 the Supreme Court expressed the view that nomenclature and fitment is one of the executive policies of the employer.

40. The Bombay High Court had occasion to consider a similar question in *Mrs. Kusum Bapurao v. State of Maharashtra & Ors.*, 1990 (1) SLR 376 the issue relating to equation of post was decided on the duties and

responsibilities and rejecting the argument that pay scale, being the same would make the difference.

41. In the light of these principles, I now turn to the Rules referred to by Mr. M. L. Lahoty, learned counsel for AIAEA. By virtue of power conferred on the Government under Aircraft Act, 1934 Rules have been framed called Aircraft Rules, 1937. Mr. M. L. Lahoty, learned counsel for AIAEA took me through the relevant provisions of the Act and the Rules. Part VI of the Rules refers to airworthiness. Rule 49 provides for type certificate, as directed by the Director-General of Civil Aviation. Rule 50 provides for the issuance of certificate of airworthiness by the Director-General. Rule 50-A provides for the conditions necessary for the certificate of airworthiness and inspection, overhaul of aircraft. The persons authorized to certify is mentioned in Rule 54. The same is as under :—

"54. **Persons authorized to certify.**—The certification required under Parts VI, XIIB, and XIII A of these rules shall be signed by appropriately licensed engineers or authorized persons qualified under the terms and conditions of the licence, authorization or approval, as the case may be, to carry out or inspect the manufacture, process, modification, repair, replacement, overhaul or maintenance, to which the certificate relates or by an approved person or persons authorized by organizations approved by the Director-General in this behalf, or when these have been carried out at a suitably equipped Indian Air Force Establishment, by its Officer-in-Charge.

Provided that in one or more class of aircraft, such of the work, if performed in accordance with approved procedure, practices and methods as may be specified by the Director-General, need not be supervised or certified by the approved organization, licensed engineers or authorized persons in this behalf".

42. Rule 61 refers to Licensing of Aircraft Maintenance Engineers. The rule in great detail refers to the authorities and the experience required and the rule is very comprehensive. The learned counsel also referred to Civil Aviation requirements and in particular, the circular issued by Government of India, Civil Aviation Department dated 20-1-1992 in respect of issue of Basic Aircraft Maintenance Engineers Certificate. The definition under paragraph 2.1 is as under :—

"Basic Aircraft Maintenance Engineers Certificate : The certificate issued to a person who has acquired practical aeronautical engineering experience in the maintenance of aircraft, engines and systems and has passed the examinations prescribed below but has not acquired additional experience on a particular type of aircraft, engine or system and is not eligible for issue of an Aircraft Maintenance Engineers Licence".

43. The person who is undergoing the training should also possess aeronautical engineering practice, practical Aircraft maintenance experience and the concurrent experience. The purpose of BAMEC is to show that the person who has passed the written examination conducted by the DGCA has established to the satisfaction of DGCA that he has acquired aeronautical engineering experience and knowledge. Such persons can also appear for AME licence for getting type endorsement. The circular mentions also the categories of BAMEC. Paragraph 5 lays down conditions for issuing of BAMEC.

44. Mr. M. L. Lahoty, learned counsel for AIAEA has submitted an advertisement issued by Indian Airlines on 26-7-2005 for the posts of Senior Aircraft Maintenance Engineer Trainee (Sr. AME Trainee)/Aircraft Maintenance Engineer Trainee (AME Trainee). The qualifications prescribed for Sr. AME Trainee and AME Trainee are :—

“ELIGIBILITY CRITERIA (As on 1-3-2005)

EDUCATION QUALIFICATIONS

FOR SR. AME TRAINEE & AME TRAINEE

Passed 10 + 2 examination or its equivalent with Physics, Chemistry and Mathematics.

TECHNICAL QUALIFICATIONS

For Senior AIE Trainee

I. A&C TRADE :

- (a) Basic Aircraft Maintenance Engineer's Certificate (BAMEC) issued by DGCA in the category of Heavy Aircraft 'HA' and Jet Engine JE.

AND

- (b) Valid Licence in category 'C' on Jet Aircraft with MTOW or more than 5700 Kg.

II. ENGINE TRADE :

- (a) Basic Aircraft Maintenance Engineer's Certificate (BAMEC) issued by DECA in the category of Jet Engine 'JE'

AND

- (b) Valid Licence in category 'C' on Jet Aircraft with MTOW of more than 5700 Kg.

III. ELECTRICAL/INSTRUMENT/RADIO TRADES :

- (a) Basic Aircraft Maintenance Engineer's Certificate (BAMEC) issued by DGCA in all three categories viz. 'ES' 'IS', 'RN' on Jet Aircraft.

AND

- (b) Valid Licence in one or more category viz. 'ES' 'IS', 'RN' on Jet Aircraft with MTOW of more than 5700 Kg.

FOR AME Trainee

I. A & C TRADE :

Basic Aircraft Maintenance Engineer's Certificate (BAMEC) issued by DGCA in the category of Heavy

Aircraft 'HA' and Jet Engine JE :

II. ENGINE TRADE :

Basic Aircraft Maintenance Engineer's Certificate (BAMEC) issued by DECA in the category of Jet Engine 'JE'.

III. ELECTRICAL/INSTRUMENT/RADIO TRADES :

Basic Aircraft Maintenance Engineer's Certificate (BAMEC) issued by DGCA in all three categories viz. 'ES' 'IS', 'RN' on Jet Aircraft.

45. The qualifications for Technicians are entirely different. As a matter of fact, it is common ground those who are working as Technicians can acquire qualification and compete for selection to the posts of Engineers. It is also common ground that the Technicians function under the supervision and control of the Engineers. All these factual matrix are referred to by the AIAEA and not disputed by the IATA.

46. Mr. M. N. Krishnamani, learned senior counsel for IATA submitted that apart from the materials placed on record by IATA the opinion given by Mr. Justice B. V. Chavan to Air India is very much relevant.

47. That is an opinion given ex parte by His Lordship Mr. Justice B. V. Chavan to Air India. The Learned Judge has been pleased to express the view that the demand of the Aircraft Technicians in Air India can be designated as Service Engineers. Mr. M. N. Krishnamani, learned senior counsel submitted that Indian Airlines has accepted the demand made by IATA following the designation given effective by Air India and, therefore, the AIAEA cannot have any objection to the designation proposed by the Management.

48. Mr. M. L. Lahoty, learned counsel for AIAEA submitted that B. V. Chavan, J. really could appreciate the difference between the Aircraft Maintenance Engineers and Aircraft Technicians from their qualifications and duties and responsibilities. But on some reasons which are not very much explicable the learned Judge opined that the demand of the Aircraft Technicians for the designation as Service Engineers is perfectly valid. The learned counsel submitted that cannot be taken as precedent, according to the learned counsel Mr. Lahoty in view of the fact the statutory Rules have not been given their due importance and the opinion given ex parte cannot be relied upon by IATA. The learned Judge did not have the benefit of the assistance of the learned counsel. That opinion cannot, in law, be taken as a binding precedent.

49. In the written submissions made on 18-7-2005 by Mr. M. L. Lahoty, learned counsel for AIAEA in paragraph 13 it is submitted :—

“In the aeronautical engineering field the nomenclature “Aircraft Engineer” has a distinct

identity. The safety and airworthiness of the aircraft is the primary responsibility of the Aircraft Engineer so much so that no aircraft can be airborne without the certification/clearance by the concerned Aircraft Engineer. Accordingly, a lot of sensitivity is involved considering the fact that highly sophisticated state of art aircrafts are flown today and that the global competitiveness is involved in the Aircraft Industry. It is, therefore, beyond imagination to comprehend the danger prone risk would be taken by diluting the concept of Aircraft Engineer that too not only at the cost of safety of aircrafts and passengers, but also perse in defiance of the mandatory statutory provisions. Accordingly, redesignating the "IATA category" as "Engineers" would result in serious erosion in safety level.

50. In paragraph 16 it is submitted :—

"Engineers in aviation parlance means only Aircraft Engineers who certify the Airworthiness of the Aircraft. In no case, there can be two Engineers considering the safety and sensitiveness of the crucial decision to be taken by an Aircraft Engineer. Therefore, a person with academic engineering qualification and without Aircraft Licence cannot be called an engineer in Airworthiness stream of the IAL. The functional roles of "Engineers" and "Technicians" are well defined and they work on the same area. Identical designations will lead to administrative and working complexities, even leading to industrial unrest".

51. In paragraph 18 it is submitted :—

"If the management tries to make a change of designation under the pretext of enhancing the social status of the IATA category, the same will have serious repercussions as the whole hierarchy would go haywire giving rise to uncalled for anomalies. For example, Production Engineer, the designation allotted to Technicians (Foreman), is above Aircraft Maintenance Engineers as per hierarchy. However, under the rules it is the Aircraft Maintenance Engineer under whose supervision and directions the so-called Production/Inspection Engineer would be working. An Aircraft Engineer can report acts of misconduct on the part of Technician/Foreman/Helper, to the competent Authority and recommend disciplinary action. At present there are about 500 Aircraft Engineers who are working with the Managing Company and about 2500 Foreman/Technicians working under their supervision and direction".

52. In reply thereto submitted by Mr. M. N. Krishnamani, learned counsel for IATA on 9-8-2005 reliance is placed "Hon'ble Justice B. V. Chavan's Award"; violation

of Articles 14 & 16 referring to Air India and Pawan Hans; Aircraft Engineers and Technicians are equals in terms of pay scales; Diploma Engineering is required for Aircraft Technicians. In page 8 the Personnels covered under IATA Category is given as under :—

1. A/C Technician
2. Sr. A/C Technician
3. Master Technician
4. Sr. Master Technician (Asst. Production Engineer, put in abeyance).
5. Production Engineer II (old Foreman "A").
6. Production Engineer I (old Sr. Foreman).

The basic qualification for induction is Diploma in Engineering (Mechanical, Electrical, Electronics etc.) for direct recruitment and for internal candidates 5 to 7 years experience is required. They are taken as trainee technician and required to undergo one year training according to DGCA TRAINING MANUAL and pass the examination scoring minimum 60% marks. Then they inducted as technician and kept on probation for the period of six months. Upon proving the competency one is confirmed as technician. The selection grade, which are vacancy based, starts from Sr. Master Technician onwards upto Sr. Foreman. The minimum engineering experience required at initial level is 11 years. The selection is carried out by selection board.

Other category covered under IATA are :

- (1) Inspector (Asst. Inspection Engineer, put in abeyance).
- (2) Inspection Engineer II (old Inspector "A").
- (3) Inspection Engineer I (old Sr. Inspector)".

53. It is stated that the job done by the Technician is countersigned by Aircraft Engineer. It is very important aspect according to IATA, is of no moment. In page 13 at paragraph 8 it is clearly stated IATA neither denied nor contradicted that certification of airworthiness of the aircraft is the function and responsibilities of the members of AIAEA.

54. In the Rejoinder submitted by Mr. M. L. Lahoty on 17-8-2005, it is submitted at page 5 in paragraph IV :—

"The legal implications of such change of designations would be that it would result in (i) near-total breakdown of the harmony and interaction between the two categories, (ii) violation of statutory provision of the Aircraft Act, 1934, Aircraft Rules 1937 and the Civil Aviation Requirements (CAR), (iii) breach of the basic principle enshrined in the Constitution of India that only equals are to be treated equally (iv) award of designation to candidates

without the possession of requisite qualification like BAMEC/AME licence, (v) the whole procedure is being rendered meaningless as it entitled the Technicians to be promoted as Engineers by virtue of their experience, service length only irrespective of requisite qualification, (vi) an absolute nullity and derogation of the career progression scheme available to IATA members in Indian Airlines providing ample scope to them of reaching higher posts in Indian Airlines, (vii) dilution of the concept Aircraft Engineer resulting in serious erosion in safety level, (viii) identical designation will lead to administrative and operational chaos, even may lead to industrial unrest, (ix) serious repercussions in the Management of the Company as the whole hierarchy would go haywire giving rise to uncalled for anomalies”.

55. At page 8 the points of difference in Indian Airlines, Pawan Hans and Air India are set out.

56. It is not necessary to go into the details in extenso.

57. Mr. M. N. Krishnamani, learned senior counsel for IATA relying heavily on opinion by Hon'ble Mr. Justice B. V. Chavan submitted that Air India and Indian Airlines act under the control of same Ministry and, therefore, once designation has been accepted by Air India that will have to be necessarily followed by the Indian Airlines. In the submissions made, reference is made to the case of AIAEA before the Industrial Tribunal wherein AIAEA had made the same submissions. For the purpose of applying the principles of equality and testing the action under Articles 14 and 16 of the Constitution the employees should be working under the same Master. The fact that the Ministry is the same is no answer. That is the principle laid down by the Supreme Court in the following cases :

1. Mewa Ram Kanojia Vs. All India Institute of Medical Sciences & Ors., (1989) 2 SC 235 at 245 paragraph 11.
2. Harbans Lal & Ors. Vs. State of Himachal Pradesh & Ors., (1989) 4 SCC 459.
3. M. P. Rural Agriculture Extension Officers Association Vs. State of M. P. and Anr., (2004) 4 SC 646.

58. In a case before the National Industrial Tribunal, Bombay, the AIAEA had contended that the personnel in Air India and Indian Airlines are doing the same kind of job, and therefore, according to Mr. M. N. Krishnamani, learned senior counsel the AIAEA cannot be heard to contend contra. The contention of Mr. Krishnamani, learned senior counsel cannot be accepted.

59. Therefore, IATA cannot invoke the doctrine of equal protection.

60. In fine, I get the impression that the IATA wants the Indian Airlines to innovate without having any regard to its utility. I am provoked to refer to the legal maxim in this behalf OMNIS INNOVATIO PLUS NOVITATE PERTURBAT QUAM UTILITATE PRODEST.—Every innovation occasions more harm by its novelty, than benefit by its utility.

61. Therefore, the claim of IATA for designation has to be decided only on the basis of the statutory Rules. Any reference to particular instances cannot be of any value. In the light of the principles laid down by the Supreme Court, I am of the view that the demand made by the IATA for change of designation is not at all sustainable in law. Accordingly, the demand made by IATA for the designation is rejected.

EXISTING	PROPOSED
Sr. Foreman/Sr. Inspector	Production Engineer-I/ Inspection Engineer-I
Foreman 'A'/Inspector 'A'	Production Engineer-II/ Inspection Engineer-II
Sr. Master Technician/ Inspector	Asstt. Production Engineer/Asstt. Inspection Engineer

Date : 29-12-2005

Justice K. RAMAMOORTHY, (Retd.), Arbitrator

नई दिल्ली, 20 मार्च, 2006

का. आ. 1486.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में श्रम न्यायालय, अर्नाकुलम के पंचाट [संदर्भ संख्या 8/95(सी)] को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-03-2006 को प्राप्त हुआ था।

[सं. एल-12012/404/1994-आई. आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 20th March, 2006

S.O. 1486.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. No. 8/95(C)] of the Labour Court, Ernakulam as shown in the annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 16-03-2006.

[No. L-12012/404/1994-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE**IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM****(IN THE LABOUR COURT, ERNAKULAM)**

(Wednesday, the 18th day of January, 2006)

PRESENT:

Sri K. K. Utharan, B. Sc. LL.B., Presiding Officer

Industrial Dispute No. 8 of 1995(C)**BETWEEN:**

The Deputy General Manager, Syndicate Bank, Zonal Office, Trivandrum-695010.

AND

The General Secretary, Syndicate Bank Staff Union, Shanthi Theatre Annexe, 44-Mount Road, Madras-2.

REPRESENTATIONS:**For the Management** ... Sri M. P. Ashok Kumar, Advocate, Ernakulam.**For the Union** ... M/s. Mathew Zachariah Advocates, Cochin Law Chamber, Paramara Building, Kochi-682010.**AWARD**

This reference was made by the Central Government as per Order No. L-12012/ 14/94/IR (B. II) dated 18-4-1995. The dispute is between the Management of Syndicate Bank and their workman Sri J. P. Prabakar. The dispute referred is:

"Whether the action of the Management of Syndicate Bank, Trivandrum in dismissing Sri J. P. Prabakar, Special Assistant from service with effect from 28-3-1994 is legal and justified? If not what relief is the said workman entitled to?"

2. The union filed claim statement raising the following claim :—Sri John Prabakar, the workman involved in the present case, was working as a Special Assistant in the Syndicate Bank. While so a charge sheet dated 30-11-1991 incorporating 10 items of allegations was issued to him. A domestic enquiry was conducted in which 2 witnesses were examined on the side of the management and 168 documents were marked. On the side of the workman he himself was examined and one document was marked. The enquiry officer found that workman guilty of the charges as per his report dated 28-7-1993. The workman submitted a written statement against the findings on

6-11-1993 on which he was held by the disciplinary authority. Thereafter as per notice dated 24-1-1994 the disciplinary authority proposed a penalty of dismissal on the workman. The workman filed a representation against the proposed punishment. But by an order dated 28-3-1994 the workman was dismissed from service. He filed an appeal before the Appellate Authority, the General Manager, on 28-4-1994. The Appellate Authority heard the workman and passed an order dated 7-7-1994 confirming the decision of the Disciplinary Authority. Various irregularities and lapses have crept into the enquiry proceedings which resulted in miscarriage of justice to the workman including violation of natural justice and violation of fundamental rights. On receipt of the charge sheet the workman requested the management to provide copies of documents on which the management proposed to rely to substantiate the allegations levelled against the workman. The management refused to give access to the workman to the documents as such the workman did not get sufficient opportunity to prepare his defence and reply to the charges. The gist of the charges is that the workman allowed unsecured debit balance in curtain accounts and also passed cheques for amounts beyond his authority and acted prejudicial to the interests of the bank during the period from December 1988 to May 1990. The workman was a special assistant and he had no managerial functions. There are Assistant Manager, Sub Managers and a Manager above the special Assistant who are verifying each of the transactions at the bank everyday and also sent reports to higher authorities. If the payments referred in the charge were unauthorised, most of them could have been stopped by the Manager or higher officers. So it is evident that all the cheques were passed as per the instructions of the Manager or as per the instructions of authorised officer. The above aspect was not considered by the enquiry officer and he went on the assumption that the person who has signed on the cheques is the only person who is responsible. The enquiry officer did not consider the procedure followed in the bank in respect of the day-to-day transactions. The pattern of the working of the bank requires the involvement of more than one person in dealing with a transaction. Unless and until cheques are passed by person who have authority to do so no cash payment is made or adjustment is recorded in the books of accounts of a bank. There is no allegation of conspiracy or receipt of illegal gratification other than a bald allegation of showing undue official favour to the parties concerned. No attempt was made by the management to show that unauthorised actions were done by the workman behind the back of the superior officers and without their knowledge and approval. The advance said to have been given without authorisation by the workman in the present case has resulted in lakhs of rupees income to the bank. The higher authorities in the bank as well as the Controlling Officers at the divisional and zonal levels have approved the transactions for making gains to the bank. Out of the total advances mentioned in the charge

sheet only an amount of around rupees one lakh remains yet to be recovered. During the course of the enquiry the workman wanted to examine witnesses who were working in the branch at the relevant time. A specific request was made to examine the cash officer of the bank who was working in the branch during the relevant period. That request was not allowed by the enquiry officer. The non-examination of the cash officer Smt. Theresa Joseph was totally vitiated the enquiry proceedings. The Manager who had absolute knowledge of all the transactions has been first off with some minor penalties and the extreme punishment has been imposed on the workman. Even if all the allegations are proved it can only be said that all employees of the bank including the Manager are guilty and one individual alone cannot be found guilty. The auditing authorities have verified the transactions said to have sanctioned by the workman for the charge sheeted period and nothing was found to be irregular till a later date. Thus it is sufficient to prove that the transactions said to have sanctioned by the workman is with the specific direction of the higher authorities. The workman is an important trade union functionary and interunion rivalry in Syndicate Bank had been intense over the last two decades. Union recognised by the management is a rival union which opposes the union in which the workman was a founder, officer bearer and continues to be so. The complaint against the workman was motivated by such inter union rivalry is evident from the fact that the representation of the rival union sitting as a director of the board had intoxicated the management to initiate disciplinary action against the workman. The nature of the allegation will reveal that whatever has been done by the workman were done in good faith and there was no mala fide intention. There is no allegation of illegal gratification or doing anything for the personal benefits of the workman. The transactions mentioned in the charge sheet took place in the usual course of banking business and it is well known that bad debts arise in the business of money lending which is being done by the bank and steps are taken by banks for the recovery of the money. Under the above circumstances the punishment imposed on the workman is disproportionate to the charges levelled against the workman and that the imposition of penalty of dismissal from service is arbitrary. The passing of post dated cheque was a mistake and it was authorised by the Manager. Mistake in the date entered in the ledger is also a mistake and cannot be treated as a misconduct. The bank has not suffered any loss due to this mistake. So the workman prays to set aside the proceeding of the enquiry and imposition of the penalty and to order reinstatement of workman with full back wages and other benefits.

3. Management filed written statement raising the following contention :—The allegation of the union that the enquiry is vitiated as the enquiry officer has violated the principles of natural justice is not correct. Enough

opportunities and ample time were given to the workman to put forward the defence and to substantiate the same. List of all documents relied on by the management to sustain the charge were made available to the workman and sufficient opportunity was given by the enquiry officer to the workman to prepare his defence. The enquiry officer fully observed the principles of natural justice while conducting the enquiry and has entered into a finding after a judicious analysis of the evidence. The misconduct committed by the workman is of a very serious nature involving betrayal of trust and confidence reposed in him by the management by misusing the official position and such an employee cannot be kept in the service of the bank. The punishment awarded by the disciplinary authority was confirmed by the Appellate Authority after fully analysing the case. It is evident from the proceedings of enquiry that the enquiry lasted upto 29-10-93 after issuing the charge/sheet on 30-11-93. The various requests made by the workman for adjournment of the enquiry to suit his convenience and to shape his defence and for adducing his evidence were allowed. Copy of enquiry report was made available to the workman for making his submissions on the enquiry report and in the matter of imposing punishment. All the documents required by the workman were produced by the management as directed by the enquiry officer and all the witnesses examined from the management's side were cross examined by the workman. The workman had allowed huge unsecured debit balance and overdrawals by which he has committed various irregularities referred in the charge. Even assuming that he acted at the instance of the manager or other superiors he ought to have got the transactions approved in writing from time to time. It was the responsibility of the workman to obtain the approval of all instruments before passing them for payment by allowing debit balance or overdrawals. So the stand of the union that the irregularities committed were at the instance of the Manager cannot be accepted. The workman as a supervisor in-charge of the current account department he was duty bound to supervise, administer and run the department independently under the overall control of the branch manager. The workman as a supervisor in-charge of current accounts has abused his official position by allowing overdrawing beyond the sanctioned limits and exposed the bank to financial risks. The various letters issued from the legal management not approving the actions of the workman clearly prove that the local management has taken every steps to curb the activities of the workman. The evidence adduced by the management during the course of enquiry clearly establish that the workman has committed the irregularities without following the procedures as per the norms of the bank. As the workman repeated such actions inspite of letters issued by the local management it is evident that his actions were deliberate. Request for the assistance of the staff for recovery of irregular advances cannot be construed as an approval of the actions of the workman. For the

unauthorised overdrawals allowed by the workman he is accountable to the bank and he is responsible for recovery of these amounts. The non-examination of Smt. Theresa Joseph, cash officer has no relevance and not in any way prejudicial to the workman in the light of the charge against the workman and his defence. The workman is responsible for exercising the non-existent sanctioning powers by which an amount of rupees about Rs. 1,00,000 is yet to be recovered. The passing of post dated cheque cannot be treated as an accounting mistake as claimed to by the workman. As the domestic enquiry was conducted in accordance with legal principles and violating the principles of natural justice it does not require reconsideration. The punishment imposed is also proportionate to the misconduct proved against the workman. It is also contended that for any reason the court finds that the enquiry held is not proper and valid, the management is prepared to establish the guilt of the employee by adducing further evidence before court. So the management prayed for upholding the enquiry and the punishment imposed basing on it.

4. My learned predecessor in office has found that the enquiry conducted regarding the charges levelled against the delinquent employee was not legal and proper and there was gross violation of principles of natural justice and findings of the enquiry officer that the delinquent workman is guilty of the charges is perverse and not supported by evidence and the enquiry and the findings were set aside and the management was allowed to adduce fresh evidence to prove the charges. The management adduced fresh evidence which consists of the testimony of MW2 and 3 and Ext. M3(1) to (20) M4(1) to 168 and M5(1) to (28) on the side of the management and the testimony of WW1 to 6 on the side of the union.

5. My learned predecessor in office has passed an award on 28th November, 2001. She has found that the management has not succeeded in proving the charges against the workman and so the punishment imposed against him is not legal and sustainable. Thus my learned predecessor in office has passed an award finding that the action of the management of Syndicate Bank, Trivandrum in dismissing Sri John P. Prabhakar, Special Assistant from service w.e.f. 28-3-1994 is not legal and not justifiable and the workman is entitled to be reinstated in service with full back wages and continuity in service.

6. Aggrieved by the award passed by this court the management filed O. P. 5491/2002 before the Honourable High Court. The Honourable High Court passed judgment in O. P. 5491/2002 confirming the award passed by this court directing reinstatement of the workman with full back wages and continuity in service. The management preferred writ appeal No. 578/04 before the Honourable High Court against the judgment in O. P. 5491/2002. The Hon'ble Division Bench of the High Court found that the charges

levelled against the workman stand proved and set aside the award passed by the Labour Court and the Judgment in O. P. 5491/2002. In the judgment the Honourable High Court has stated that the only question is regarding the quantum of punishment to be imposed taking into consideration that a lesser punishment has been imposed on Richard Martis and directed to this court to examine the quantum of punishment. Honourable High Court also directed to examine the question whether because of the conduct of the workman the bank has suffered any financial loss.

7. The learned counsel for the management have submitted that in order to examine and ascertain the financial loss suffered by the bank due to the conduct of the workman he may be allowed to produce documents. Therefore the management was allowed to produce documents. In order to mark and prove those documents the Manager of Syndicate Bank, Ernakulam Shamugham Road Branch was examined as MW4 and marked Exts. M25 to M36.

8. In view of the remand order following points are to be considered :—

- (1) The quantum of punishment to be imposed on the delinquent workman John O. Prabhakar?
- (2) Whether the bank had suffered any financial loss due to the conduct of the workman?

9. Point No. 1 : In view of the judgment of the Hon'ble High Court the question regarding the quantum of punishment to be imposed on the delinquent workman taking into consideration that a lesser punishment has been imposed on Sri Richard Martis was also charge sheeted on the allegation that he had discount or cost to be discounted cheques for an amount of Rs. 2.53 lakhs to 7 customers and allowed unsecured debit balance amounting to Rs. 7.06 lakhs in current account of 9 customers during the period 6-10-1988 to 3-6-1990. Richard Martis was also found guilty of misconduct and punishment was imposed by withholding his promotion to the next higher grade for a period of 5 years. The Hon'ble High Court has also observed that while the workman was dismissed from service, Richard Martis was given lesser punishment.

10. The learned counsel for the union/workman would argue that in view of the direction of the Hon'ble High Court the punishment to be imposed to the delinquent workman is to be a lesser punishment as imposed on Richard Martis. But the counsel for the management would argue that this court need not consider the punishment imposed on Richard Martis and that the malpractice done by the delinquent workman is more grievous and that this court has no power to reduce the punishment imposed on the workman by the management as the misconduct charged stand proved. The learned counsel for the management has cited the following decision in support of

the arguments. The decision report in (1) U. P. State Road Transport Corporation Vs. Mohanlal Gupta and others reported in (2000) 9 S. C. C. 521. (2) Canara Bank Vs. V. K. Awathy reported in (2005) 6 S. C. C. 321. (3) Government of T. N. and others Vs. A. Rajapandian reported in (1955) 1 S. C. C. 216. (4) Punjab Dairy Development Corporation Ltd. and another Vs. Kalasingh and others reported in (1997) 6 S. C. C. 159. (5) Janatha Bazar (South Kanara Ventral Co-operative Wholesale Stores Ltd.) and others Vs. Secretary, Sahakari Nukara Sangha and others reported in (2000) 7 S. C. C. 517. (6) Regional Manager, U. P. S. R. T. C., Etawah and others Vs. Hoti Lal and another reported in (2003) 3 S. C. C. 605. (7) Mahindra and Mahindra Ltd. Vs. N. B. Narawade reported in (2005) 3 S. C. C. 134. (8) Divisional Controller, KSRTC (NWKRTC) Vs. A. T. Mane reported in (2005) 3 S. C. C. 254. (9) United Commercial Bank and others Vs. P. C. Kakkar and P. C. Kakkar Vs. Chairman and Managing Director, United Commercial Bank and others, reported in (2003) 4 S. C. C. 364. (10) Govt. of T. N. Vs. K. N. Ramamurthy reported in (1997) 7 S. C. C. 101. (11) Disciplinary Authority-cum-Regional Manager and other Vs. Mikunja Bihari Patnaik reported in (1996) 9 S. C. C. 69. (12) State Bank of India and another Vs. Bela Bagchi and others reported in (2005) 7 S. C. C. 435. (13) State Bank of India and others Vs. T. J. Paul reported in (1999) 4 S. C. C. 759. (14) Balbir Chand Vs. Food Corporation of India Ltd. and others Vs. (1997) 3 S. C. C. 371. (15) Obettee (P) Ltd. Vs. Mohd. Shafio Khan (2005) 8 S. C. C. 46. (16) Tara Chand Vyas Vs. Chairman Disciplinary Authority and others reported in (1997) 4 S. C. C. 565. (17) Udumbanchola Estate Workers Union Vs. Indian Cardamom Research Institute reported in 1998 (I) KLT 222. (18) Devendra Swamy Vs. Karnataka State Road Transport Corporation reported in (2002) 9 S. C. C. 644. (19) South Indian Bank Ltd. V. Krishnakumar reported in 2006(1) KLT short Notes case No. 27 page 17. I have perused all the decision, but in view of the specific direction given to this court by the Hon'ble High Court as per the remand order, regarding the punishment to be imposed on the workman, the principles laid down in the above cited decisions are not applicable in the instant case. The charges levelled and proved against the delinquent workman and the Manager Richard Martis are identical. Richard Martis was found guilty of misconduct and punishment was imposed on him by withholding his promotion to the next Higher Grade for a period of 5 years. Whereas the workman in the case was dismissed from service. The learned counsel for the union would argue that Richard Martis was given all service and retirement benefits by the management and now he is leading a peaceful retirement life whereas the workman in this case is in the legal battle for more than 11 years and lost everything and leaving in mercy of relatives and friends. Considering the circumstances of this case and the specific direction of the Hon'ble High Court I am of the view that a lesser punishment is to be imposed on the workman in this case. Now the workman has completed the year of

superannuation. Therefore I am of the view that the punishment to be imposed on the delinquent workman John, P. Prabakar is withholding of his two increments.

11. Point No. 2 : In the remand order the Hon'ble High Court has directed to examine the question whether because of the conduct of the workman, the Bank had suffered any financial loss. After the remand the Management produced Ext. M 25 series to M 36 documents to show that the management Bank had suffered financial loss due to the conduct of the workman. When the documents were produced by the management bank the counsel for the union raised objection for Hon'ble High Court never allowed to produce additional documents. Since the Hon'ble High Court directed this court to examine whether the bank had suffered any financial loss due to the conduct of the workman, I am of the view that as this is a new point which was not considered by my learned predecessor in office in the trial of the Industrial Dispute before remand, the management is to be allowed to adduce evidence. Otherwise it is not possible to arrive at a finding whether the bank had suffered any financial loss due to the conduct of the workman. Ext. MW 4 the Manager of the Shanmugham Road Branch of the Management Bank was examined and Ext. M 25 series to M 36 are marked through MW 4. M 25 is the photocopy of the suit file account of M/s. Joy Brothers which would show that an amount of Rs. 19,769.38 is due from that account holder as on 31-3-1997. Ext. M25(a) is the suit file account of M/s. Sheeba Agencies, which would show that an amount of Rs. 58049.72 is due from that account holder as on 23-3-98. Ext. M 25(b) is the suit file account of M/s. Devi Marketing Associate, which would show that an amount of Rs. 49325.08 is due from the account holder as on 6-2-1995. Ext. M25(C) is the suit file account of Professional caters, which would show that an amount of Rs. 131710.33 is due from the account holder as on 2-6-2001. Ext. M 21(d) is the suit file account of M/s. Seiko Surgical Scientific Company, which would show that an amount of Rs. 76656.64 is due as on 23-3-1998. Ext. M 25(e) the suit file account of M/s. Gayathry Surgical Works, which would show that an amount of Rs. 60425.85 is due as on 23-3-1998. Ext. M25(i) is the suit file account of M/s. Jabin Industries, which would show that an amount of Rs. 40463.40 is due as on 23-3-1998. Ext. M25(v) is the copy of the shadow account of M 25(a) suit file account of Sheeba Agencies. In Ext. M 25(v) while taking the photo copies a rectangular piece of paper was affixed in order to hide some writing and in the photocopy it is seen as blank where the bank officials written the certificate. In the photocopy of the shadow account of Ext. M25(d) suit file account of M/s. Seicko Scientific Company also there seen a blank space as seen in Ext. W25(v) and written the certificate in that blank space. Similarly in the photocopy of the suit file account of Ext. M 25(e) also there is a blank space and written certificate in that space as seen in Ext. M 25(v). In the photocopy of Ext. M 25(f) is the file account of

M/s. Jabin Industries also there is blank space and written the certificate as seen in Ext. M 25(v). The original of shadow account of Gayathry Surgical is marked as Ext. M25(s) wherein a rectangular piece of paper is seen affixed. Ext. M25(t) is the original of the shadow account of Jabin Industries. A rectangular form of paper piece was seen affixed in Ext. M 25(t). Ext. M 25(o) is the original of the shadow account of M/s. Sheeba Agencies. In Ext. M 25(o) also a rectangle form of the paper piece is seen affixed. MW 4, the Branch Manager of the branch could not give a proper and satisfactory explanation regarding the affixture of the said paper pieces in the above said documents. The rectangular form of paper pieces were affixed and in the said exhibit affixed paper piece seems to be very new wherein the writings are old. Ext. M 25(g) to M 25(t) were produced as per order in M. P. 118/2005. The hidden portion of those exhibits also could see the words 'account closed' when they are exposed to light. This has been admitted by MW4 in cross-examination MW4 has also admitted that all Ext. M 25, M 25(a) to M 25(f) accounts were closed. Certain accounts in Ext. M 25 series were also closed during 1997-98. The learned counsel for the union would argue that management produced Ext. M 25 series of documents to show that the delinquent workman is liable for a huge loss of Rs. 18 lakhs. But in some of the above documents rectangular piece of paper were seen affixed, in order to hide something which is against the management and hence the genuineness of the documents are suspicious to the extent regarding the accountability of the workman. The learned counsel for the union would argue that the workman is not accountable for any loss alleged by the bank. Page 21 chapter 6 clause 11 Ext. M 27 (a) is read as follows :

"Irregularities/lapses in the conduct of the account shall be examined and certificate/report on staff accountability shall be submitted. [Annexure-III(a)]. In other words the proposal for write off shall be submitted only after examination and closure of the staff accountability aspect."

MW4 has admitted that only after examining the staff accountability as per Chapter 6 clause 11 of page 27 the account could be closed. But MW4 has denied that the account are closed on the basis of the closure of the staff accountability of the workman. This is an inconsistent version of MW4 and the version of MW4 that the staff accountability of the workman had not been closed is not reliable as it is against the document. Chapter 6 clause 11 of Ext. M 27 is marked as Ext. M 27(a). Ext. M 31 is the annexure III proposal for write off (outside negotiated settlement) waiver of filing suit/EP. Ext. M 31(a) would show that the management bank filed suit and suit was decreed and execution petition is filed. As per Ext. M 31 the Branch Manager sought permission to write off the balance outstanding as the party is not traceable or absconding. Ext. M 34 is relating to the account of Devi Marketing. Ext. M 32 is relating to the account of professional caters. In

Ext. M 32 also the suit was filed and decreed and execution petition is filed and the Branch Manager sought the permission to write off, as the party is not traceable or absconding. However, in Ext. M 31 and 32 the Branch Manager has written that the workman was responsible for the loss. The learned counsel for the union would argue that the staff accountability shown in Ext. M 31 and 32 are not genuine and they are fabricated for the purpose of this case. The management Bank did not produce accountability certificate with respect to all the 7 customers, and the bank produced only 2 accountability certificate and that too are hit by section 2-(S) of the Banker's Evidence Act. The documents produced would show that the accounts are closed and already written off. The learned counsel for the management would argue that even if the accounts are written off bank has right to realise the amount. Of course the bank has every right to realise the amount from the customers who had defaulted the demands and the decree amount. As accounts are closed and written off there is another accountability has already the bank has done in the case of Richard Martis.

In the claim statement union/workman has stated that after the total advances mentioned in the charge sheet only a fraction namely around Rs. 100000 remained to be recovered. In the written statement the management has stated that the delinquent workman/ union has admitted over due liability of Rs. 100000 due to the act of the workman. The management has not stated in the written statement the quantum of loss sustained to the management, however as per the suit file accounts Ext. M-25 series would show that the management is entitled to get an amount of Rs. 481400.90 from the creditors and that amount includes accumulated interests and other expenses. It is particular to note that suit file against the creditors by the management bank have already been decreed and except petitions are filed. But the bank could not recover the amount as the creditors/judgment letters are not traceable or they are absconding. The management banks right to recover the decree debt is still in force even though the accounts are closed and written off. Even though the management bank sustained loss due to the conduct of the workman, since the accounts are closed and written off, the staff accountability of the workman is also closed. Therefore I find that the workman is not accountable for the loss.

In the result, an award is passed holding that the dismissal of the workman from the management bank is set aside and a lesser punishment of barring of two increments is imposed on the workman. Since the workman has completed the year of superannuation the question of reinstatement into the service is not possible. Therefore the workman is deemed to have retired on the date of his superannuation. The management is directed to pay full backwages to the workman till the date of his superannuation. The management also directed to pay all

retirement benefits and other benefits to the workman as if he is retired on superannuation in normal case.

This award will take effect one month after the publication in the official Gazette.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 31st day of January, 2006.

Ernakulam.

K.K. UTHARAN, Presiding Officer

Appendix

Witness MW1 to MW3 on Management's side and WW1 on workman's side were examined in the impugned Award dated 28-11-2001.

After remand

Witness examined on the side of Management

MW4 : Sri P. Chandra Mohan.

Exhibits M1 to M24 and W1 to W5 were marked in the impugned award dated 28-11-01 :

After remand : Exhibits marked on the side of Management.

- | | | | |
|-------------|--|-------------|---|
| Ext. M25 | : Copy of suit filed amount of M/s Joy brothers, Ernakulam. | Ext. M25(m) | : Original of suits filed account of M/s. Jabin Industries, Kochi-24. |
| Ext. M25(a) | : Copy of suit filed amount of M/s Sheeba agencies, Ernakulam. | Ext. M25(n) | : Original of shadow account of M/s. Joy Brothers. |
| Ext. M25(b) | : Copy of suit filed account of M/s. Devi Marketing Associates, Kochi-18. | Ext. M25(o) | : Original of shadow account of M/s. Sheeba Agencies, Ernakulam. |
| Ext. M25(c) | : Copy of suit filed account of M/s. Professional caterers. | Ext. M25(p) | : Original of shadow account of Devi Marketing Associates, Kochi-18. |
| Ext. M25(d) | : Copy of suit filed account of M/s. Seiko Surgicals Scientific Company, Ernakulam. | Ext. M25(q) | : Original of shadow account of M/s. Professional Caterers, Pulleppady. |
| Ext. M25(e) | : Copy of suit filed account of M/s. Gayathri Surgicals, Kochi-31. | Ext. M25(r) | : Original of shadow account of M/s. Seiko Surgicals, Scientific Co., Kochi-31. |
| Ext. M25(f) | : Copy of suit filed account of M/s. Jabin Industries, Kochi-24. | Ext. M25(s) | : Original of shadow account of M/s. Gayathri Surgicals Works, Ernakulam. |
| Ext. M25(g) | : Original of suits filed account of M/s. Joy Brothers. | Ext. M25(t) | : Original of shadow account of M/s. Jabin Industries, Kochi-24. |
| Ext. M25(h) | : Original of suits filed account of M/s. Sheeba Agencies. | Ext. M25(u) | : The certification by the bank authorities on the back side of Ext. M25(a). |
| Ext. M25(i) | : Original of suits filed account of M/s. Devi Marketing. | Ext. M25(v) | : Photo copy of shadow account of M/s. Sheeba Agencies. |
| Ext. M25(j) | : Photocopy of suits filed account sheet attached to the original ledger in the name of professional caterers. | Ext. M25(w) | : The certification by the bank authorities on the back side of Ext. M25. |
| Ext. M25(k) | : Original of suits filed account of M/s. Seiko Surgicals Scientific Company, Kochi-31. | Ext. M25(x) | : The certification by the bank authorities on the back side of Ext. M(x). |
| Ext. M25(l) | : Original of suits filed account of M/s. Gayathri Surgical Works, Kochi-31. | Ext. M26 | : Copy of letter No. 76/29/RD/HD/WO/98 dated 4-3-98 from the Head Office to this Branch. |
| | | Ext. M27 | : Copy of Comprehensive Recovery Policy for non-performing assets. (Circular No. 161-2003-BC-REC/15-10-03). |
| | | Ext. M27(a) | : Clause eleven of page twenty one of Chapter 6 of Comprehensive Recovery Policy of Management. |
| | | Ext. M27(b) | : Clause 17 of chapter 10 of Comprehensive Recovery Policy for non-performing assets. |
| | | Ext. M28 | : Copy of judgment in O. S. 1597/96 dated 31-10-97 of Principal Munsiff, Ernakulam. |
| | | Ext. M29 | : Copy of judgment in O. S. 892/97 dated 27-2-99 of Munsiff Court, Aluva. |
| | | Ext. M30 | : Copy of policy guidelines dated 9-12-02 on staff accountability. |
| | | Ext. M31 | : Copy of proposal for write off/waiver of filing suit on behalf of M/s. Professional Caterers. |
| | | Ext. M31(a) | : Item 15 to 18 in the Exhibit 31. |

- Ext. M32 : Copy of proposal for write off/waiver of filing suit/E. P. on behalf of M/s. Devj Marketing.
- Ext. M33 : Copy of statement of imputation of lapses dated 30-9-99 issued to Richard Martis, the Manager of Management Bank.
- Ext. M34 : Copy of proceedings of Asstt. General Manager of Management Bank dated 15-7-91 in the matter of lapses on the part of Richard Martis, Then Manager.
- Ext. M35 : Copy of charge sheet 15-5-92 issued to Sri Richard Martis by the Management.
- Ext. M36 : Copy of non-performing assets—accounting procedure and maintenance of shadow loan accounts of Management.

नई दिल्ली, 21 मार्च, 2006

क्र. आ. 1487.—औद्योगिक विवाद अधिनियम, 1947 (1947 का (4) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबंध में निम्नलिखित निष्पत्ति के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बेंगलूर के पंचाट (संदर्भ संख्या 247/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-2006 को प्राप्त हुआ था।

[सं. एल-12011/17/1996-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1487.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 247/1997) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the management of Canara Bank and their workmen, which was received by the Central Government on 20-03-2006.

[No. L-12011/17/1996-IR(B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 8th March 2006

PRESENT:

Shri A. R. Siddiqui, Presiding Officer

C.R. No. 247/97

I PARTY

The Asstt. Secretary,
Canara Bank Staff Union.

Treveni Compound,
Near Capitano High School, MANGALORE-575001
MANGALORE-575002

II PARTY

The Dy. General Manager,
Canara Bank, Central
Office,

Light House Hill Road,

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-12011/17/96/IR(B-II) dated 7th July 1997 for adjudication on the following schedule :

SCHEDULE

“Whether the action of the management of Canara Bank in denying S/Shri Chikkayya Devadiga and Horapete, absorption as sub staff is legal and justified ? If not, to what relief the said workmen are entitled ?”

2. The case of the first party workman whose cause has been espoused by the first party union, as made out in the Claim Statement, to be precise and concise is that he was appointed by the management bank as a part time employee on a consolidated wages w.e.f. 20-10-1979. He was elevated to 1/3rd time scale wages on 1-8-1985 and then was elevated to half time scale wages from 24-8-1987 and during the course of his service with the management he has passed 8th standard during the year 1989 while he was only 4th standard when joined the services of the management. He contended that as per the directives of the Central Government he was eligible for absorption as a sub staff before 1990 but the management has not absorbed him as a sub staff despite his representations dated 6-6-1989 and 14-8-1990 and the oral request made by him from time to time. He was denied the above said benefit despite his unblemished services of about 20 years and the management had adopted tactics of discrimination against him in not regularizing his services as a sub staff. Therefore, he requested this tribunal to pass an award directing the management to post him as a sub staff granting him all the benefits from the date he made representation to the management in the year 1989, itself.

3. The management not disputing the facts that first party joined its services as a part time employee w.e.f. 20-10-1979 and has been elevated to 1/3rd timescale wages in 1985 and half timescale wages from August 1987 and the fact that he passed 8th standard during the year 1989 and that he was only 4th standard when he joined its services, however, contended that they are bound by the Government directives issued by the Nodal Ministry in the matter of administration and other service conditions with respect to the recruitment of PTEs and sub staff and therefore, could not consider the request of the workman for absorption. The management in this context relied upon the guidelines dated 23-12-1993 dealing with recruitment norms for PTEs and other related guidelines and contended that a part time employee in timescale should not have crossed 26 years of age at the time of elevation of his timescale for empanelment in the daily wages panel. It contended that PTEs should have passed 6th standard before crossing

the upper age limit of 26 years and therefore, since the first party workman had already crossed the age limit of 26 years at the time of his elevation as the PTEs in time scale and held no required educational qualification before crossing the age of 26 years. Management was unable to absorb the first party workman as a sub-staff and therefore, reference is liable to be rejected.

4. During the course of first round of trial, management examined two witnesses as MW1 & MW2 and got marked seven documents at Ex. M1 to M7. The first party examined himself as WW1 and no document was marked on his behalf.

5. The statement of MW1 relevant for the purpose in his examination chief is that the bank has issued a consolidated guideline during December 1993 in the matter of recruitment of PTEs as per Ex. M1 dated 23-12-1993. He stated that the workman has not required the minimum qualification of 6th standard before attaining the age of 25 years and therefore, a representation given by him on 6-6-1989 as per Ex. M4 was replied as per Ex. M5, suitably. He stated that first party was not possessing the requisite qualification and age to empanel him in the daily wages panel and unless he comes on daily wages panel, he cannot be absorbed in the sub-staff cadre straight away. If he (PTE) satisfied the requisite criteria of age and qualification then he will be considered for empanelment and once the empanelment is made the PTEs get the eligibility to be appointed as sub-staff as per seniority and there is no exception to this rule. In his cross-examination when was confronted with the directions of the Ministry of Finance about the service conditions of Bank employees he had shown his ignorance and to the next question put to him that during 1989 the workman had requisite qualification to be absorbed as a sub-staff his answer was that he had required qualification but was overaged. While admitting the fact that during 1976 some directions to the banks were given to give relaxation of age, he added to say that the relaxation was only in respect of SC and ST candidates and denied the suggestion that relaxation was applicable to the workman as well.

6. Statement of MW2 said to be working as a Law officer was to the effect that the workman claimed his right pursuant to a circular referred in para 5 of the Claim Statement but that has not been produced and the bank is not aware of the same.

7. Statement of the first party workman was just a repetition of his averments in the claim statement. In his cross-examination it was elicited that he made available the documents to prove that he studied upto 8th standard by producing the transfer certificate at Ex. W1 and he was 31 years old when passed 8th standard.

8. After hearing the learned counsels for the respective parties and based on the oral and documentary evidence brought on record, my learned predecessor by

his award dated 20-9-1999 allowed the reference in following terms :

“The Second Party are not justified in depriving this workman the benefit of absorption and appointing to the cadre of sub-staff relying on 1993 guidelines. Therefore, the second party are directed to absorb this workman and promote him to the cadre of sub-staff w.e.f. his application Ex. M4 dated 6-6-1989. This workman is not entitled for any back wages but for the purpose of retirement benefits he shall be deemed to have been worked as a sub-staff from 6-6-1989 onwards. The reference is answered accordingly.”

9. His findings relevant for the purpose at paras 14 and 15 are as under :—

“Admittedly this workman has requested for absorption before these guidelines came to effect. Ex. M5 is a reply dated 19-6-89 where it was pointed out that he is overaged and does not have the requisite qualifications. In fact the enclosure to Ex. M1 which contained the guidelines discloses in the first page that no minimum educational qualification but pointed out that the maximum qualification in 5th standard. With regard to age it is observed that the age criteria can be relaxed by the DGM of the circle in case of engagement of the PTEs on consolidated wages. Further relaxation in age limit can also be given by DGM when the existing PTE on consolidated wages is absorbed in scale wages due to increase in hours of work. This guideline also gives jurisdiction to the management to relax the guidelines in respect of PTEs appointed earlier.

This guideline has no scope to give the retrospective status. The Second party have not stated that the service conditions issued from time to time was not applicable in considering promotions. The extract made above gives a special power to the management to promote the Sweepers to sub-staff cadre by relaxing the conditions to the extent stated thereon. Therefore, the management had no impediment to promote this workman as a Peon or sub-staff following these guidelines. Admittedly this workman is working from last 30 years without any scope to become a sub-staff and therefore, the contention of the second party that they are guided by the guidelines of 1993 to deprive this workman of becoming a sub-staff cannot be accepted at all. This workman acquired a right to become a sub-staff for absorption on the service conditions laid down before Ex. M1.”

10. The management took up the matter in a writ petition No. 14408/2000 (L-TER) challenging the above said award and his Lordship of Hon'ble High Court vide order dated 18-8-2005 while setting aside the award passed by

this tribunal remanded the matter back to this tribunal to dispose of the matter only for reconsideration with regard to the absorption of sub-staff and with regard to the workman having passed 6th standard in terms of school certificate. The observations made by his Lordship of Hon'ble High Court while setting aside the award and giving the aforesaid directions at Paras 9 & 10 of the order run as follows :—

"After hearing, I have carefully perused the material placed on record. The respondent workman has worked fairly for a long time. There is no bad past record in so far as this workman is concerned. He has sought for absorption as a sub-staff. His case was rejected by the Bank on the ground of overage in terms of the Ex. M7 filed before the labour court. Ex. M7 was issued in the light of a scheme in terms of Ex. M1 filed before the labour court. It is seen from Ex. M1 that to get redesignation as a Peon, the part time employee should not cross 26 years and must have passed 6th standard in terms of the requirement for the purpose of absorption. The respondent workman has obtained 6th standard after crossing 26 years of age. The Tribunal in these circumstances, particularly in the light of Ex. M1, could not have given relief on the facts of the case on the ground of retrospective effect."

"At this stage, it is also to be noticed that the Bank despite adverse award, has chosen to consider the case of the respondent workman in the light of his long service. Having written to the Government with regard to the details of the school where the respondent workman had studied and passed 6th standard, the government in terms of Annexure-G has chosen to say that the said school is not included for the purpose of grant in terms of the endorsement. These documents unfortunately were not filed before the Tribunal. Taking into consideration the long years of service of the respondent workman and the other material on record, I deem it proper to set aside the award and remand the matter only for the purpose of reconsideration as to whether the workman could be provided employment in the light of his having passed 6th standard for the purpose of absorption as sub-staff in the given circumstances."

11. After the remand, the management examined one more witness as MV and got marked additional documents at Ex. M8 to M14 and Ex. M15 and 16 in the cross examination of WW1. His statement in examination chief-relevant with reference to the above said documents is that a letter at Ex. M8 dated 30-12-1999 written by the Divisional Manager, Staff Section to Block Education Officer, Office of the DDPI, Mangalore seeking clarification about the authenticity and validity of the transfer certificate of the workman and received reply at Ex. M9 from the Education Department stating that the said transfer

certificate issued by the Educational Institute is not a recognized institute by the Govt. of Karnataka coming under the purview of the Education Department. Then he referred to a letter at Ex. M10, copy marked to the Principal, Shri Sharadamba Tutorial, Karnataka Seva Vrinda and a letter at Ex. M11 deputed one Mr. Prakash, officer of the Bank to visit the said institute and to meet the said Principal, Mr. S. Keshava Rao and a letter at Ex. M12 given by the said Principal to said Prakash stating that said Tutorial was not an educational institution. He also referred to a letter at Ex. M13 written by himself on 22-09-2005 to DDPI, Mangalore seeking clarification regarding the said Tutorial and validity of the TC issued by it and the reply received from the DDPI office at Ex. M14 stating that said Tutorial is not a recognized educational institution by the Govt. of Karnataka and the TC issued is not valid. In his further examination he stated that as on 6-6-89 when the workman gave application for absorption he had crossed 31 years and did not produce any certificate for having passed 6th standard examination. In his cross examination he denied the suggestion that Ex. M8 and 9 are created documents. It was elicited from him that first party submitted his TC in the year 1989 or 1990 and the reply given by the management at Ex. M7 to the representation made by the first party makes no specific mention to say that certificate was not a valid certificate and such a stand was also not taken by the management in conciliation proceedings and in the Counter Statement filed. He had shown his ignorance if there was a rule or condition of passing 6th standard to be eligible for the post of sub-staff when workman submitted his application in the year 1989. He admitted that guidelines putting the condition of qualification of 6th standard came into effect in the year 1993 and that they were not applicable to the case of the first party since he made the application in the year 1989. He also admitted that first party has been doing the work of sub-staff since from the year 1980 onwards whenever the regular sub-staff is away from duty.

12. First party in his further examination chief (after remand) referred to his transfer certificate at Ex. W1 and his letter annexed to Ex. W2 informing the management of his passing 8th standard. He then referred to the Objection Statement filed by the management in conciliation at Ex. W3. He further stated that he has been working as a sub-staff since the year 1980 for about a period of 10 to 15 days in each month and for the last 2 to 3 years he is discharging the job for a period of 20 to 25 days in a month. In his cross examination he admitted that he had passed 4th standard when joined the services of the management as a part time employee on 20-10-1979. He studied upto 4th standard in Dakshina Kannada Higher Primary School, Putatur, Mangalore and that he has never studied or continued his education after having passed 4th standard in any school, thereafter. He admitted to have received the letter dated 24-1-2000 from the bank at Ex. M15 and his reply at Ex. M16. He admitted that he has not got attested

his TC at Ex. W1 attested from the Govt. department so far as per the directions made in Ex. M15. He denied the suggestion that said Sharada Tutorial is not a school and that he is giving false evidence about that. He showed his ignorance if the said Tutorial, was imparting coaching and was not a school imparting education on regular basis being recognized by the Government.

13. Learned counsel for the management Shri PSS argued that for absorption of PTE as sub-staff two important qualifications are age limit of 25/26 years and educational qualification of 6th standard pass. He submitted that when the first party made an application in the year 1989 at Ex. M4 for absorption as sub-staff, he had already crossed 25/26 years of age and did not pass 6th standard before crossing the above said age and limit. He submitted that in the light of the award passed by this tribunal to absorb the workman and to promote him to the cadre of sub-staff giving relaxation to age factor, the management looked into the transfer certificate at Ex. W1 produced by the workman and to verify the correctness of the contents of educational qualification made correspondence with educational department and the Principal of the Institute which issued the said certificate to find that it was not the institute of education recognized by the Govt. of Karnataka but was the institute imparting coaching classes for 8th and 9th standard students to continue their further studies and therefore, the management was constrained to challenge the award in question. He submitted that the question with regard to the genuineness and acceptability of the said transfer certificate was raised before the High Court and his Lordship has remitted the matter back to this tribunal to decide upon the genuineness and acceptability of the said transfer certificate for the purpose of ascertaining as to whether the workman passed 6th standard so as to be absorbed as a sub-staff in the given circumstances. He submitted that after the remand the documents at Ex. M8 to M16 have been produced to suggest that the above said institute which issued TC was not an educational institute recognized by the educational department of the government and this documentary evidence as well as the statement of MW3 on the said point has not been challenged by the workman by producing any positive evidence or by way of rebuttal evidence. On the other hand first party in his cross examination in no uncertain terms has admitted that he did not continue his study further after having passed 4th standard.

14. Whereas, learned counsel for the first party Shri Sathyanarayan vehemently argued that in the light of the statement of MW3 in his cross examination, it is crystal clear that in the year 1989 when the first party made a representation claiming his right for absorption as a sub-staff there were no guidelines or a condition of educational qualification of 6th standard pass and that those guidelines at Ex. M1 came into force in the year 1993 only and therefore, he submitted that when such an educational qualification

was not at all mandatory for the post of sub-staff from PTE, genuineness or acceptability of the transfer certificate showing the workman 8th standard pass loses its importance and significance rather the said certificate becomes redundant and therefore, the first party is entitled to get the relief of absorption. He submitted that the contention of the management about the required qualification of 6th standard pass is an after-thought and the improved story not being taken by the management at any point of time earlier to raising it for the first time before the High Court. He also submitted that as per the circular dated 16-1-1976 quoted in para 5 of the claim statement and reproduced in the book 'Service Conditions of the Bank Employees (Award Staff)' edited by an author, Y. Bhaskara Rao vide Chapter 10 Page 11, educational qualification of 6th standard pass was not a condition to absorb PTEs as sub-staff and therefore, if such a condition has been imposed under the guidelines at Ex. M1 in the year 1993, they cannot affect the right of the first party to the post of sub-staff claimed in the year 1989. He submitted that the finding given by this tribunal on the point of relaxation of the age since has not been interfered by the High Court and the matter has been referred back only with regard to the genuineness and acceptability of the transfer certificate and since there was no condition of passing 6th standard prevalent in the year 1989, the first party must be given the relief of absorption as sub-staff. He lastly submitted that even if it is taken that above said institute issued transfer certificate, was just to impart the coaching classes then again the certificate can be considered to see that the workman is literate to the extent of reading and writing English and Kannada language and therefore, in the light of the said qualification he is eligible for absorption.

15. In reply to the said argument, learned counsel for the management submitted that question whether educational qualification of 6th standard pass was in vogue in the year 1989 or not when the first party made a representation, is not germane to the controversy to be resolved by this tribunal in the light of the clear directions of the High Court to this tribunal to just reconsider the genuineness and acceptability of the transfer certificate to ascertain that the workman passed 6th standard for the purpose of absorption as sub-staff.

16. After having gone through the observations of his Lordship in the Writ Petition in question made at paras 10 and 11, I find very much substance in the the arguments advanced for the management. At the end of para 10, it is observed that "I deem it proper to set aside the award and remand the matter only for the purpose of reconsideration as to whether the workman could be provided employment in the light of his having passed 6th standard for the purpose of absorption as sub-staff in the given circumstances". At Para 11, his Lordship thus observed as "The impugned award is set aside. Matter is remitted back only for reconsideration with regard to absorption as sub and with

regard to respondent workman having passed 6th standard in terms of School Certificate." Therefore, from the reading of the above said observations, there is no scope left for any interpretation or a meaning to be imparted other than the fact that this tribunal is now supposed only to go into the genuineness and acceptability of the transfer certificate so as to ascertain as to whether the first party passed 6th standard in terms of school certificate (transfer certificate) produced by him for having passed 8th standard in the year 1989. The scope has been limited and restricted just to ascertain the fact of workman passing 6th standard with reference to the transfer certificate produced by the workman is not a genuine and valid rather, is not a certificate issued by the competent educational institution. As argued for the management MW3 has been examined and he has spoken to the documents at Ex. M8 to M14 already brought on record. The above said statement of MW3 with reference to the said documents has not been shaken in his statement in cross examination except to suggest that Ex. M8 and 9 are the created documents and there is no seal of the office on Ex. M14. Not a single suggestion was made to MW3 either disputing or challenging the genuineness of the documents produced by the management nor a suggestion was made to say that the transfer certificate produced by the workman in fact is a genuine document and valid certificate to certify the fact that he passed 8th standard taking education in a department of education or in the educational institute recognized by the Government. That apart it is interesting to note that the first party in his further examination chief after the remand uttered no single word about the genuineness and validity of the transfer certificate produced by him much less to say that it was issued by the competent educational institute recognized by the Government. On the other hand as noted above, in his cross examination for the management, in no uncertain terms, he admitted that he studied upto 4th standard in Dakshina Kannada Higher Primary School, Putatur, Mangalore and he has not studied or continued his education after having passed 4th standard in any school, thereafter. It is to be noted that learned counsel for the workman in his argument also did not make any submission with regard to the transfer certificate stating that it was the certificate issued by the competent authority, rather, the institute of education recognized by the Govt. On the other hand as noted above, he submitted that even if it is the institute imparting coaching classes, this transfer certificate can be considered for limited purpose in the light of the aforesaid circular of the year 1976 which did not require qualification of 6th standard pass for the post of sub-staff. Therefore, in the light of the voluminous documentary evidence produced by the management to speak to the fact that transfer certificate is not a valid certificate issued by recognized institute of education of the Govt. of Karnataka and in the light of the very unequivocal admissions made by the first party himself that he did not study beyond 4th standard, there remains absolutely no

hesitation in the mind of this tribunal to come to the conclusion that the workman did not pass 6th standard and the transfer certificate produced by him cannot be considered to be a certificate issued by the competent authority to certify that he had passed 6th standard or 8th standard as noted therein. The arguments advanced for the first party that transfer certificate loses its significance and relevance in the light of the admissions made by MW3 in his cross examination referred to supra and therefore, it can be ignored and relief of absorption as sub-staff as claimed by the workman should be granted as there is no condition for 6th standard pass at least in the year 1989 when he made a representation at Ex. M4, in my opinion cannot be accepted rather appreciated in the light of the observations made by his Lordship in the aforesaid order of Writ Petition remanding the matter back to this tribunal with a specific direction to ascertain the fact of workman having passed 6th standard with reference to the said transfer certificate. Such a point was not raised before the Hon'ble High Court on behalf of the workman and has not been referred to this tribunal to give finding over such a point. This tribunal is not supposed to go beyond the scope limited and restricted by the Hon'ble High Court in remanding the matter back to this tribunal. Therefore, if we proceed on the assumption that transfer certificate is not a valid certificate then it goes without saying that the workman cannot claim to have passed 6th or 8th standard on the basis of the said certificate. The question whether condition of 6th standard pass was to be fulfilled apart from the age factor for PTE to be absorbed as a sub-staff was neither dealt with by this tribunal by my learned predecessor while passing the award nor was raised before the Hon'ble High Court while challenging the award in question. From the tenor of the observations made by his Lordship while setting aside the award what appears to me in my humble opinion is that the workman must get relief of absorption as a sub-staff only when he establishes before this tribunal that he passed 6th standard rather 8th standard as per the transfer certificate produced by him and that appears to be the reason for his Lordship to give direction to this tribunal limiting the scope of decision by this tribunal on the point of genuineness and acceptability of the said transfer certificate produced by the workman. Therefore, when the first party failed to substantiate before this tribunal that he passed 6th standard, then, the resultant corollary would be the failure of the reference.

17. However, before parting with the case, it is to be made clear that the question that PTE must have passed 6th standard to claim the post of sub-staff in the year 1989 has not been raised and dealt with by this tribunal nor by his Lordship in the order of writ petition while remitting the matter back to this tribunal. MW3 in no uncertain terms in his cross examination as noted above, has admitted that the guidelines at Ex. M1 satisfying the qualification of 6th standard pass have come into effect in the year 1993 and

since the first party made an application in the year 1989 they were not applicable to his case. He also had shown his ignorance if there was any rule or condition passing 6th standard to be eligible for the post of sub staff in the year 1989. Therefore, it is under these circumstances, it appears to me in the interest of justice to call upon the management to reconsider the case of the first party workman to his claim to the post of sub staff in case condition of qualification of 6th standard pass was not in force in the year 1989, as guidelines at Ex. M1 of the year 1993 cannot be given retrospective effect. With this I pass the following Award :

AWARD

"The management is directed to reconsider the case of the first party workman to his claim for the post of sub staff in case there was no condition requiring educational qualification of 6th standard pass in the year 1989 when first party submitted his application at Ex. M4. Reference is answered accordingly. No order to cost.

(Dictated, to PA, transcribed by her, corrected and signed by me, on 8th March 2006).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

का. आ. 1488.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण असम के पंचाट [संदर्भ संख्या 8(C)/2000] को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-03-2006 को प्राप्त हुआ था।

[सं. एल-30011/68/1999-आई आर (विविध)]

बी. एम. डेविड, अवसर सचिव

New Delhi, the 21st March, 2006

S.O. 1488.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. No. 8(C)/2000] of the Industrial Tribunal, Assam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. ONGC and their workman, which was received by the Central Government on 21-03-2006.

[No. L-30011/68/1999-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, GUWAHATI,
ASSAM

REFERENCE NO. 8(C) OF 2000

PRESENT:

Shri B. Bora, Presiding Officer, Industrial Tribunal,
Guwahati

In the matter of an Industrial Dispute between :

The Management of ONGC,
Regional Director, ONGC, Nazira

V/s.

Smt. Tulu Bora (Handique) & 19 others.

APPEARANCE

For the Management : Shri P. Choudhury, Advocate
Miss S. Senapati, Advocate

For the Workmen : Shri A. C. Dasgupta, Advocate
Shri S. Chakraborty, Advocate

Date of Award : 31-12-2005

AWARD

The Govt. of India, Ministry of Labour, New Delhi by a notification No. L-30011/68/99/IR(M) dated 16-3-2000 referred an Industrial Dispute between the Management of Regional Director, ONGC (ERBC) and their workmen Smt. Tulu Bora (Handique) & 19 others on the following issue :

"Whether the services of the workmen (list enclosed) working directly under ONGC management in the first phase of service and later engaged on contract basis can be reinstated and regularised ? If so, to what relief they are entitled ?"

On receipt of reference, a reference case was registered and notices were issued both parties calling upon them to file their written statements/addl. written statements and documents if any. In response to the notices both parties appeared in this court and filed their written statements. Both parties also adduced evidences both oral and documentary in support of their respective cases.

The case of the workmen is that :

That 19 workmen who served as Typist, Khalasi, Office attendants in different establishments of ONGC namely Central Store, Sibsagar, Nowapukhuri Store, Sibsagar, Central Store Lakwa Store raised this Industrial Dispute for their regularisation. They were directly engaged by ONGC either in the year 1985 or 1986 and they worked till 1992, but, on record it is shown that they had been working as contract labourer under T. Phukan since 1987. Falsity of the record could easily be established from the fact that this contractor obtained his licence in the year 1992. Gate pass for entry in the office premises to the contract labourers were issued from the year 1992. Till 1992 these workers were directly paid by the authorities of ONGC. Thus the workmen engaged at Central Store, Sibsagar, worked with regular employees of ONGC, Sri Akan Ch. Konwar, Sri Suren Chetia, Shri Kula Chutia. Similarly workmen engaged in Lakwa Godown had to work with the regular employees of ONGC Ltd. Sri Sunil Gogoi, Sri Kuladhar Phukan, Sri Bata Krishna Urang.

That the workmen Shri Khirod Ch. Keot, Smt. Tulu Bora, Smt. Santi Prabha Das were engaged as Typist, by the ONGC Ltd., in the year 1985. Till December 1986 they were shown as the employees of ONGC Ltd. Subsequently, they were surreptitiously shown as contract labourers. The contractor obtained his licence to engaged contract labour in the year 1992. In fact showing engagement of contract labour for typing job was a jugglery of records based upon some documents subsequently fabricated by the authorities of ONGC in collusion with the so called contractor. Since their joining they had been directly paid by the ONGC Ltd. till 1992. Engagement of contract labour in the job of typing in the establishment of ONGC Ltd. was prohibited by the Government of India vide their notification dated 8-1-94. Accordingly these workers should have been declared as the employees of the ONGC Ltd. who ought to have been regularised in their job. All these workmen were disengaged from their engagement as typist in the month of December 1996. The workmen Sri Khirod Ch. Keot, Smt. Tulu Bora served as typist at Central Office. The workman Smt. Santi Prabha Das also served as Typist at Nawa Pukhuri Store, ONGC Ltd.

That the workmen Shri Lalit Changmai, Shri Hira Nath Mahanta were engaged as office Attendant in the office of Central Store at Nowapukhuri Store. They performed the duties of carrying and maintenance of file in the office where they worked. This types of job cannot be performed through a contract labour as it depend upon the frequent needs of employees of principal employees under whose instructions these office assistant are to work. These workers were directly engaged by the ONGC Ltd. in the year 1985. They worked under ONGC till 1992 as the employees of ONGC Ltd. For a long spell of time these persons worked as office attendant. Subsequently in the year 1997 they were disengaged. No notice of disengagement was issued. No retrenchment compensation was paid.

That one of the concerned workman, Shri Jatin Rajkonwar preferred a writ application, being Civil Rule No. 3366/95, on behalf of 21 contract labourers, for regularisation of services. The Hon'ble High Court called for a report from the Asstt. Labour Commissioner by holding an enquiry. Accordingly, an enquiry in this regard was also held by the Asstt. Commissioner(C) who submitted the same to the Hon'ble High Court in terms of the order dated 12-8-97. It was inter alia stated that the jobs performed by the workers were perennial in nature and even after their disengagement another set of labours were engaged to perform the same nature of job as being performed by them. The Hon'ble High Court on perusal of the record and other relevant documents came to a conclusion that these workers were directly engaged by ONGC Ltd. and continued to be same till 1992 and subsequently, they were engaged as contract labours. The Hon'ble High Court by its order dated 24-8-98 directed the authorities of ONGC to consider the

case of the workmen for their regularisation within a period of 3 months. It was further ordered that if the workers still feel aggrieved they may approach for appropriate relief in accordance with law. The authorities of ONGC did not consider their case. Ultimately, these workers had to raise an Industrial Dispute.

The workmen has prayed for an award in its favour.

On the other hand the case of the management in brief is as follows :

That the reference is bad in law and unsustainable because from the very inception the management had contended that the 20 contract labourers were/are never under the control and supervision of the management, and as such, they were and are not workmen under the Management of ONGC. Therefore, they can never be termed as 'workmen' u/s 2(s) of the I.D. Act, 1947 (hereinafter referred to as 'the said Act') and the Regional Director, ONGC can never be termed as employer within the meaning of section 2(g) of the said Act, in relation to the said contract labourers.

The settled position of law is that while exercising power under section 10(1) of the said Act, the function of the Central Government is an administrative function and not a judicial or quasi judicial and that in performing its administrative function, the Government cannot delve into the merits of the dispute and take upon itself the determination of the list, which would certainly be in excess of the power conferred on it by section 10 of the said Act.

That applying the principles laid down in various decisions of the Supreme Court, there can be no doubt that the Government is not justified, in deciding the issue whether the persons raising the dispute, are workmen or not and the same cannot be decided by the Central Govt. in exercise of its administrative function under section 10(1) of the said Act.

That the order of reference is bad in law, as the subject matter of the dispute, does not relate to Section 2A of the said Act, and, as such said 20 contract labourers purportedly mentioned as "their workmen" cannot be a party to the dispute.

The Central Govt. has erred in law by referring the instant purported dispute to this Tribunal by failing to appreciate that the persons concerned in the instant reference were admittedly workers of contractor and that the contractor was having licence under the Contract Labour (Regulation & Abolition) Act, 1970 at the material point of time. The ONGC being a registered employer under the Contract Labour (R & A) Act, 1970 any dispute with regard to regularisation of workers of contractor would be a dispute U/S 10 of the Contract Labour (R & A) Act, 1970 and the Tribunal has no jurisdiction to sit in adjudication over the present purported dispute.

That the reference is bad in law inasmuch as the Central Govt. has failed to applying to apply its mind that the regularisation can only be done after complying with the provisions of the recruitment rules of ONGC and against sanctioned vacant post. Since, there is no sanctioned post against the temporary jobs which were done by the contract labourers, this Tribunal cannot adjudicate the issue.

That even assuming but not admitting that the persons named in the order of reference used to work directly under ONGC as alleged by them, it is too late in the day to challenge the stoppage of work and since they had not challenged the same, now they are estopped from challenging the same.

That the management categorically submits that at no point of time the concerned persons worked directly under the ONGC. As stated above, they had worked directly under the contractor. The job of the contractor came to an end and as such question of engagement of contract labours does not arise since there is no job. Hence the question of regularisation of any concerned person would not arise and consequently no question of vacancy also arises.

The management has prayed for an award in its favour.

The reference in question is :—

“Whether the services of the workmen (list enclosed) working directly under ONGC Management in the first phase of service and later engaged on contract basis can be re-instated and regularised ? if so, to what relief they are entitled ?”

The management's stand is that it never engaged the workmen directly. Rather, the management took the stand that the workmen were engaged by contractor to execute the works allotted to him. In this case the contractor was one Sri Tuniram Phukan.

Let me now examine as to whether the workmen were the direct employee of the ONGC during the first phase of their service or they were engaged by contractor Sri Tuniram Phukan.

The Management examined Sri Tuniram Phukan as MW 2. Let me scrutinize his evidence. He deposed that he knows the workmen mentioned in paragraph 1 of the written statement of the workmen. These workmen were contract labour under him. They worked under him since 1987 to 1995. Ext. 12 is the original of the payment Register. Ext. 12(1) is his signature. (Proved in original) Ext. 13 is the contractor's Licence. This witness admitted that in 1987 he had no contractor's licence as he was not aware that a licence is required for supplying labours. He deposed that he paid the labourers and obtained their signatures in the Ext. 12. In his cross-examination he admitted that he has submitted the Payment Vouchers from 1992. He admitted

he has not submitted the Payment Vouchers from 1987 to 1991. He stated the Payment Vouchers from 1987-91 were damaged by flood water in 1994. This witness further stated that the Payment Vouchers are prepared in triplicate of which two copies remain with the Management.

Let me now scrutinize the evidence of MW3 Md. Sayed A. Khaleque, Manager Stores (MM) ONGC, Sibsagar. This witness also stated that the workmen were engaged by contractor and they were paid by the contractor. One Tuniram Phukan was the contractor. Ext. 18 is the photocopy of the Payment Register.

MW1 Sri Ranjit Borgohain, Manager (MM) deposed that he knows the workmen from Sl. Nos. 4, 13, 16, 17, 18 and 19 who were engaged by contractors. He denied a suggestion that these workmen were working directly since 1985/86 to 1992. This witness deposed that the ONGC calls tender whenever there is exigency for contract labours. Ext. 1 is such a tender (photocopy) Ext. 2 is a work order dt. 21-6-88. Sri Tuniram Phukan was the contractor.

From the evidence of the witnesses for the Management it is seen that contractor Sri Tuniram Phukan (MW2) obtained his licence U/S 12(1) of the Contract Labour (Regulation & Abolition) Act, 1970 only on 29-9-89 (Ext. 13).

This being the position he had no licence to engage contract labour before 29-9-89. He stated in his evidence that prior to that he had no knowledge that a licence was required for supplying contract labour. On the other hand the Ext. 12 the Payment Register relates to the periods 1-6-92 to 20-6-92 and 10-6-92 to 30-6-92 but the dates under the signatures of the contractor are not in conformity with the date under the signature of the representative of the Management.

On the other hand W.W.1 Sri Khirod Ch. Keot deposed that he was directly employed by the ONGC on 2nd March 1985. There were two other typist engaged by the ONGC. They were Ms. Tulu Bora and Ms. Shanti Prova Das. All of them were directly paid till 1992. Exts. B, C and D are certificates issued to him by different authorities. These certificates clearly state that Sri Khirod Ch. Keot was working as a Typist since 2nd March 85 till 9-6-93. These certificates belie the report of the A.L.C. (C) Guwahati-3 who stated in his report (Ext. F) that the workmen did work in two spells in (1) under direct payment system till Dec. 86 from ONGC (11) w.e.f. January '87 to March '96 under Sri. T. R. Phukan, ONGC contractor. Exts. C & D clearly speak that WW1 was a contractual labour (not a contract labour) during the period from 2nd March 85 till the dates of issuance of Exts. C & D. Ext. N is another certificate issued by M W No. 1 which clearly speaks that the WW No. 3 was working as office Asstt.-cum-Typist in Central Stores, ONGC (ERBC) Sibsagar on contractual basis w.e.f. 1st April 1985 to 31st March 1989.

So, from the materials available on the record it is seen that the ONGC engaged three numbers of Typist on contractual basis since 1985 to 1992. Moreover, the ONGC also engaged some others a Khalasis, attendants (peon) etc. from 1985. Since, the contractor Sri Tunirani Phukan had no licence under the Contract Labour Act till 89 it can not be accepted that these workmen were engaged by him. The contractor stated that these workmen were engaged by him till 1989 as contract labour, without obtaining any licence as he had no knowledge regarding the requirement of a licence is not at all believable. It can not be believed that the Principal employer, the ONGC had also no knowledge regarding the requirement of a licence of the contractor U/s. 12(1) of the Contract Labour (Regulation & Abolition) Act, 1970. It is not understood as to how the Principal employer could engage a contractor for supplying/engaging workmen who had no licence as required by law. The Management did not endeavour to prove that it had a licence as Principal employer to engage contract labour, engage any contractor to supply workmen. Be that as it may, it is seen that the Typists namely W.W.1 Khirod Ch. Keot, M.W.3 Smt. Tulu Bora and Smt. Shanti Prova Das were directly engaged by the ONGC from 1985 and they worked for several years. It is proved to the satisfaction of this Tribunal that they worked 240 or more days every year till their services were dispensed with. Though the other workmen were also engaged directly by the ONGC from 1985 and they were paid directly, they could not prove it successfully that they worked for 240 days or more every year. On the other hand, it was sought to be proved by the workmen that a prohibition notification U/s. 10(1) of the Contract Labour (Regulation & Abolition) Act, 1970 but the workmen failed to do so by proving the notification.

The learned counsel for the Management argued that the reference is bad as there is no dispute between the management and the workmen is as much as the workmen of this reference were never the employees of the management. The workmen were the employees of the contractor who engaged them. There is no jural relationship between the management and the workmen.

The learned counsel also argued that the dispute is not an industrial dispute as defined by the Industrial Dispute Act. To constitute an industrial dispute it must come within the purview of the definition of Industrial Dispute. Even if the dispute is an industrial dispute, it is not maintainable as the same is not espoused by the union to which the workmen belong neither a large number of workmen of the union have represented their case. Only 19 numbers of workmen of an union can not be regarded as a considerable number of the workmen of the union.

The learned counsel also argued that even a prohibition notification is there U/s. 10(1) of the Contract Labour (Regulation & Abolition) Act, 1970, this Tribunal can not direct the Principal Employer to reinstate and regularise the workmen in view of the Hon'ble Supreme

Court's decision in the Steel Authority of India's case. Further the learned counsel argued that the workmen could not prove it to the satisfaction of this Tribunal that they were directly employed by the ONGC since 1985. Hence, their claim for regularisation and reinstatement is not sustainable. But from the reference itself it can be seen that the workmen were working directly under ONGC in the 1st phase. The management though tried to prove that the workmen never worked directly under ONGC it miserably failed to do so. The main witness of the management through whom the ONGC tried to prove this fact is not at all believable. The contractor through whom the ONGC tried to prove that the workmen worked under him as contract labour since 1985 could not prove any licence. He admitted that he obtained a licence of contractor only in 1989. He also could not prove the payment vouchers of the workmen from 1985 to 1991. These vouchers were washed away by flood water in 1994 leaving aside the payment vouchers of the year 1992. So, the ONGC miserably failed to prove that the workmen were not directly employed by them. From the materials before me, I am constrained to hold that the alleged contract between the ONGC and the contractor was nothing but a camouflage.

On the other hand, the learned counsel for the workmen argued that the workmen have ably proved that they were directly engaged by the ONGC and they were directly paid. The learned counsel also argued that the so called contract between the ONGC and the contractor is an afterthought. There was no such contract. The ONGC failed to prove any agreement between the ONGC and the contractor. The only document proved (Ext. 12) is not at all sufficient to prove that the workmen were contract labours for the whole period under question. The ONGC has shown the workmen as contract labour just to avoid its liability of absorbing them in the ONGC.

I have carefully considered the materials available on the record and the arguments of the parties. After careful consideration of the materials before me I am constrained to take the view that the Typists namely Sri Khirod Ch. Keot, Smt. Tulu Bora and Smt. Shanti Prova Das who worked for 240 days or more every year for several years and whose jobs were perennial in nature deserve to be reinstated and regularised in their service. The other workmen could not prove to my satisfaction that they worked atleast for 240 days or more every year for years together and that their jobs were perennial in nature. They did not examine themselves and also could not prove any document in support of their claim.

This being the position I am of the view that the other workmen except the typists mentioned above do not deserve reinstatement and regularisation. The typists deserve reinstatement and regularisation in their job.

Hence, the ONGC is directed to reinstate and regularise the service of Sri Khirod Ch. Keot, Smt. Tulu Bora

and Smt. Shanti Prave Das within six months from the date of this award.

Given under my hand and seal on this the 31st day of December, 2005.

B. BORA, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

का. आ. 1489.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एल सी आई डी-205/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-03-2006 को प्राप्त हुआ था।

[सं. एल-40025/4/2006-आई आर (डी यू)]
सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st March, 2006

S.O. 1489.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LCID-205/2002) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Deptt. of Telecom and their workman, which was received by the Central Government on 21-03-2006.

[No. L-40025/4/2006-IR(DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 20th day of February, 2006

INDUSTRIAL DISPUTE L.C.I.D. No. 205/2002

Between:

Sri S. Venkateshwarlu,
C/o M/s. R. Yogender Singh,
H.No. 1-11-83, Golnaka,
Alwal, Secunderabad-10.

.....Petitioner

AND

1. The Chief General Manager,
Telecommunication, AP Circle,
Abids, Hyderabad.

2. The District Engineer,
Telecommunication,
Cuddapah.

3. The Sub-Divisional Officer,
Telecommunication,
Rajampet,
Cuddapah.

..... Respondents

APPEARANCES

For the Petitioner : M/s. R. Yogender Singh, V. Kiran Kumar & K. Sunil Kishore Goud, Advocates

For the Respondent : Sri R. S. Murthy, Advocate

AWARD

This is a petition filed under Sec. 2A(2) of Industrial Disputes Act, 1947 by the Petitioner Sri S. Venkateswarlu against the Respondents 1 to 3 seeking relief to give a direction to the Respondent to reinstate him duly protecting his seniority with back wages.

2. This is a case taken under Sec. 2A (2) of the Industrial Disputes Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

3. The Petitioner submitted that he was engaged as a casual mazdoor w.e.f. November, 1978-79 for a period of 275 days and again he was engaged from October, 1988 to 1989 for a period of 320 days and further he was engaged till January, 1990. Thereafter, he was disengaged. Therefore, he approached the Hon'ble Central Administrative Tribunal, Hyderabad and filed OA No. 1366/99 which was disposed of on 6-12-99 with a direction to the Respondents to call Petitioner with his records and also produce records available with the authorities to come to the conclusions with regard to the number of days worked by the Petitioner. It is further directed that in the event of engaging the casual labour the Petitioner should be given preference to the freshers from the open market. It is further submitted that the juniors of the Petitioner Sri C. Subbaiah and Sri Pratap Reddy who were terminated were reemployed by the Respondent. It is further submitted that the Petitioner in pursuance of the directions given by the Hon'ble Central Administrative Tribunal, Hyderabad has submitted his service record to the 3rd Respondent on 31-1-2000 but the same was not referred in the letter issued by the 1st respondent dated 9-10-2000 and further alleged by the Respondent that the Petitioner failed to submit his records in support of his claim. It is further submitted that the Petitioner was not paid one month pay and in violation of the principles of the Industrial Disputes Act, 1947.

4. The Respondents filed a counter and denied the averments made in the petition and pleaded that petition

filed under Sec. 2A(2) under the state amendment is not maintainable, since the appropriate Government is the central government and further pleaded that the Petitioner worked for 136 days during the year 1979 and left the mustering office and again he came to work in the year 1989-90 after the lapse of 10 years and worked only for 176 days and left the place. The claim of the Petitioner that he worked for more than 240 days is denied. The Petitioner made representation after lapse of 9 years for providing him work on 2-5-99. It is further submitted that the Petitioner after lapse of 9 years filed OA No. 1366/99 on the file of Hon'ble Central Administrative Tribunal, Hyderabad for reinstatement and for grant of temporary status and regularization to Group D posts. The said petition was disposed of with direction to the Respondent to consider his request for re-engagement as per the rules and further directed that the Petitioner should be considered in future in preference to freshers from the open market. It is further submitted that the Respondent has issued notice to the Petitioner dated 7-1-2000 to produce the records in support of his claim in view of the directions of the Hon'ble Central Administrative Tribunal, Hyderabad. Petitioner failed to furnish any record in support of his claim. He filed contempt petition No. 126/2000 in OA No. 1366/99 which was closed by the Hon'ble Tribunal vide orders dated 9-10-2000. The Petitioner approached this Tribunal seeking the same claim made before the Hon'ble Central Administrative Tribunal, Hyderabad which is hit by the principles of *res judicata*. It is further submitted that the Respondent engaged persons purely on temporary basis on daily wages to cope up with urgent execution of works which are not capable of being completed with regular sanctioned staff. The engagement of casual labour on daily wages depends upon the availability of work. The engagement for more than 240 days do not confirm any right for the casual labourers for regularisation as they are not engaged against any specific post. It is further submitted that Sri C. Subbaiah and Sri Pratap Reddy are not juniors to the Petitioner and they were engaged as casual labourers on the directions given by the Hon'ble High Court of A.P.

5. The Petitioner filed his affidavit and marked documents Ex. W1 to Ex. W4. The Respondent filed affidavit of Sri Shaik Mahaboob Basha, SDO who deposed as MW1 and marked documents Ex. M1 to Ex. M7.

6. The Learned Counsel for the Petitioner contended that the Petitioner was engaged from November, 1978 to January, 1990 without any break and he was disengaged on violation of provisions of Industrial Disputes Act, 1947 and further contended that in pursuance of the directions given by the Hon'ble Central Administrative Tribunal, Hyderabad. Petitioner has submitted record of service before the 3rd Respondent which shows that he worked for more than 240 days in current year and that without considering the said record the Respondent has issued a notice that the Petitioner failed to produce the records in

respect of his claim and further contended that the Respondent failed to produce the inward register which could have been established the submission of the letter by the Petitioner.

7. On the other hand Learned Counsel for the Respondent contended that the application is not maintainable as the Petitioner invoked the state amendment which is not applicable, since the appropriate Government of India is the central government and further contended that the claim of the Petitioner that he worked from 1982 to 1990 is not capable of being verified as the relevant records were weeded out after the stipulation of 5 years period as per the retention schedule and further contended that the Petitioner has not produced any evidence regarding the payment or letter of engagement and further he failed to submit the records in respect of his claim in pursuance of the direction given by the Hon'ble Central Administrative Tribunal, Hyderabad as such his claim was not considered and further contended that the claim of the Petitioner was already adjudicated by the Hon'ble Central Administrative Tribunal, Hyderabad and the same cannot be readjudicated in view of the principles of *res judicata* and further contended that since the claim of the Petitioner that he was engaged for a specific period and specific purpose, there is no retrenchment and provisions of Sec. 25F of Industrial Disputes Act, 1947 are not attracted.

8. In view of the reported case for Hon'ble High Court of A.P. in *U. Chinnappa Vs. Cotton Corporation of India*, reported in 1973(3) ALT, this Tribunal can entertain and decide the applications under Sec. 2A(2) and the arguments of the Respondent that it is not maintainable has no force.

9. This Tribunal has passed order regarding the maintainability as a primary issue and held that this Tribunal has got jurisdiction in the matter, the adjudication by the Hon'ble Central Administrative Tribunal, Hyderabad does not amounts to *res judicata* vide order dated 28-11-2003.

10. It is not in dispute that the Hon'ble Central Administrative Tribunal, Hyderabad has given a direction to the Respondent to consider the claim of the Petitioner that he worked for more than 240 days and directed the Petitioner to submit his record in support of his claim. The Respondent has issued a letter dated 9-10-2000 vide Ex. W4 stating that in view of the direction of the Hon'ble Central Administrative Tribunal, Hyderabad the then Telecom District Manager, Cuddapah has issued a letter dated 7-1-2001 asking him to produce the records in support of his claim and same was acknowledged and General Manager, Telecom District, Cuddapah has reported that the Petitioner failed to attend and produce the records. As such the claim of the Petitioner was closed. The Petitioner claimed that he submitted service records on 31-1-2000 to

the 3rd Respondent but the same was not referred in the said letter dated 9-10-2000 vide Ex. W4.

11. The Petitioner has to show that he has worked for more than 240 days in a year and that he attained temporary status. The Petitioner filed only Xerox copies of personal bio-data of casual mazdoor of Cuddapah Telecom District which is Ex. W1. The entire claim of the Petitioner lies on this document and asserts that he worked for more than 240 days in a year. The Petitioner has admitted in his cross-examination that he was having originals of the documents Ex. W1 to Ex. W4 filed in this Tribunal, with his advocate, but he failed to produce the same. Sl. No. 28, 29, 30 in Ex. W1 showing the proof of his work in the year 1989 and 1990 are not attested by SDO Telecommunications, Rajahmundry. This document shows that it was attested only upto Sl. No. 1 to 27. The Petitioner claimed that he has not having service records on 31-1-2000. He received Ex. M4 from the Respondent Management but he did not send any letter questioning that he made representation and submitted his service records earlier before R3. The letters filed by the Respondent clearly shows that the Petitioner was given an opportunity by issuing a letter to submit his records in respect of his claim that he worked for more than 240 days in a year. As the Petitioner failed to submit any record Ex. M4 was issued stating that the matter is closed. The Petitioner failed to submit any record in support of his claim. Subsequent to this letter the Petitioner did not make any written representation stating that he already filed service records in support of his claim. The conduct on the part of the Petitioner gives doubt about submission of his service records. Further Ex. M1 which is only a Xerox copy and which is not attested at Sl. Nos. 28 to 30 cannot be relied upon, particularly when the originals are withheld by the Petitioner. It is admitted by the Respondent that he was engaged for a specific work and for certain period. When he was engaged with a specific work and period he cannot claim that he attained the temporary status and entitled for regularization of the service. The respondent is not in a position to verify the genuinity of Ex. W1 since the records pertaining to old period were weeded out as per the retention schedule. Ex-casual labourers Sri C. Subbaiah and Sri Pratap Reddy were re-engaged as per the directions of Industrial Tribunal-1, Hyderabad. As such their cases can not be compared with the Petitioner. On considering the evidence on record I do not see any merits in this case.

12. In the result, the petition is dismissed.

Award passed accordingly. Transmit.

(Dictated to Smt. K. Phani Gowri, PA transcribed by her corrected and pronounced by me on this the 20th day of February, 2006).

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

WW1 : Sri S. Venkateswarlu
Mahaboob

Witnesses examined for
Respondent

MW1 : Sri Shaik
Basha

Documents marked for the Petitioner

Ex. W1 : Copy of personal bio-data of WW1
Ex. W2 : Copy of order in OA No. 1366/99
Ex. W3 : Copy of acknowledgement
Ex. W4 : Copy of order No. TA/LC/5-168/99
dt. 9-10-2000

Documents marked for the Respondent

Ex. M1 : Copy of DOT Lr. No. 269-4/93 STN. II
dt. 15-6-99
Ex. M2 : Copy of retention schedule
Ex. M3 : Copy of order in OA No. 1366/99
dt. 6-12-99
Ex. M4 : Copy of Petitioner's representation
dt. 2-5-99
Ex. M5 : Copy of DOT Lr. No. 269-4/93-STN (Pt)
dt. 12-2-99
Ex. M6 : Office copy of Lr. No. C DP/LC/14/OA.
No. 1366/99/8 Dt. at CDP 7-1-2000
Ex. M7 : Acknowledgement of Ex. M6.

नई दिल्ली, 21 मार्च, 2006

का. आ. 1490.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उ. प्र. राजकीय निर्माण निगम लि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली नं.-II के पंचाट (संदर्भ संख्या 163/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-03-2006 को प्राप्त हुआ था।

[सं. एल-15012/3/99-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1490.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 163/99 of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi No. II as shown in the Annexure, in the Industrial Dispute between the management of U.P. Rajkiya Nirman Nigam Ltd. and their workmen, which was received by the Central Government on 21-03-2006.

[No. L-15012/3/1999-IR(M)]

B. M. DAVID, Under Secy

ANNEXURE**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

R. N. Rai, Presiding Officer

I. D. No. 163/1999

IN THE MATTER OF:—

Shri Rajinder Lal,
Through Union Office,
D-23 Teachers Colony,
West Vihar,
New Delhi-63.

Vs.

The General Manager,
U.P. Rajkiya Nirman Nigam Ltd.,
Jamia Nagar,
New Delhi-25.

AWARD

The Ministry of Labour by its letter No. L-15012/3/99/IR(M) : Central Government dt. 28-05-1999 has referred the following point for adjudication :

"Whether the action of the General Manager, Uttar Pradesh Rajkiya Nirman Nigam Ltd., Jamia Nagar, New Delhi in stopping from duty w.e.f. 14-11-97. Shri Rajinder Lal, Work Agent engaged in their project work of construction of ESIC Hospital and Residential Complex, Rohini, Delhi, is justified and legal? If not, what relief the workman is entitled to?"

The claimant has filed claim statement. It has been stated therein that the workman Shri Rajinder Lal has been working since 1989 at the post of Pump Operator in the ESIC Hospital Project, Rohini. He has not been getting minimum wages and other lawful amenities from the Management.

That the conduct of the workman was satisfactory during his service period. That the local Management has not been making payment according to the orders of the Head Office. He has been paid only daily wages whereas the employees engaged subsequently got all the benefits.

That after 7 to 8 years of regular service, the workman was removed without following labour laws and without payment of retrenchment compensation.

That the Management has been transferring the other employees to different units after the closures of the distinct units but this workman was not transferred to other units but he was removed arbitrarily.

The Management has filed written statement. It has been stated therein that it has been wrongly stated that the

workman has been working under the Management in the ESIC hospital at the post of Pump Operator since 1989. The workman has never been on the Muster-Roll of the Management. He has not been appointed by the Management so he cannot be an employee of the Management.

That the averments of para 1 to 2, 3, 4, 5, are denied. It is further stated that the employees of the Management are transferred to different units according to need. He was not on the Muster-Roll of the Management. So, there is no question of his transfer to the other units.

The workman has filed rejoinder. It has been stated therein that his services were terminated violating statutory legal norms by adopting unfair labour practice; however, the claimant performed his duties uninterruptedly and worked continuously for 9 years before termination of his service.

The last rate of wages of the claimant was Rs. 1900 p.m. before termination of service, which was less than the revised rate of minimum wages of Pump Operator at that time.

It is further submitted that the services of the claimant have been terminated by the Management w.e.f. 14-11-97 as the claimant raised demands of minimum wages, attendance cards and leave wages etc. through his union. It is further submitted that no statutory provisions of the Industrial Disputes Act, 1947 were followed by the Management.

It is specifically denied that the claimant was not an employee of the Corporation as alleged by the Management.

Evidence of both the parties has been taken. Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman that Management has admitted paper number-51 letter dated 4-11-1997. Since paper 51 letter dated 14-11-97 has been admitted, the contents of the letter shall be deemed to be admitted.

It was further submitted that in this paper exhibit MW1/W27, the period of services of Pramod Kumar and Rajinder Lal has been mentioned. It shall be deemed proved that Pramod has worked for 7 years and Rajinder Lal has worked for 9 years. According to this document Pramod has worked for 7 years under the Management and Rajinder as work for 9 years on 14-11-97. It was further submitted that Management has admitted letter dated 22-11-97 written by Senior Project Manager. This letter also confirms letter dated 14-11-97 in which service period of Pramod and Rajinder Lal has been admitted.

It was further submitted that Management has admitted letter dated 14-11-88. It is exhibit MW1/W29 the relevant portion of the letter runs as hereunder.

"Resolved that approval be and is hereby accorded for adoption of Government order No. 4939 CB/88-23-Sani-8, dated 5-10-1988 (Annexure D) regarding cessation of practice of engaging office/Assistant, Stenographer, Typists, Peons and Messengers etc. on PRW basis and the persons so appointed be engaged on Muster-Roll with immediate effect.

"Resolved further that para-27 and other provisions of the manual of the Nigam inconsistent with the Government Orders aforesaid shall stand superseded to the extent of inconsistency."

According to this Memo the respondents have been advised not to engage persons on PRW basis. They must maintain Muster-Roll register. No Muster-Roll register has been produced before me in this context. The workman has been engaged in violation of Schedule 5th of the ID Act.

It was further submitted that the respondents/Management have acted in violation of memo dated : 5-11-98 and 7-1-92 Exhibit MW1/W30 and exhibit MW1/W31.

It was further submitted that MW1 has admitted that Sh. B. D. Sharma is the Project Manager of Rohini site since 20-2-04. The witness has further admitted that he was not the Project Manager of that site prior to that. This witness has given the details regarding the Project Managers from 1996 till 27-12-05, the date of his deposition.

It was further submitted that the workman has filed papers number 9 to 58. These documents establish the fact that the workman has discharged duties under the respondents and he has received wages from the respondents. These documents establish the fact that he has been made payments by Cheque right from the date of his engagement till termination of his service. The workman has successfully proved that he has worked under respondents as Pump Operator for 9 years continuously. He has not been paid wages according to the Minimum Wages Act. The documents filed by the workman go a long way to prove that Rohini project is still in operation and the work of the workman is taken by another person so the work is of continuous and perennial in nature. The workman has worked for 9 complete years on less wages than prescribed by the Minimum Wages Act. The Respondents/Management have acted in violation of 25F, G, H & N ID Act, 1947.

It was submitted from the side of the Management that the workman was engaged on project. No appointment letter has been given to the workman for specific period. He has worked for 9 years as per the admission of the Management/Respondents. So, he is entitled to get compensation under section 25F of the I.D. Act. The project is still continuing as per the admission of the MW1. The Project is permanent.

It was further submitted from the side of the Management that the workman was not engaged on Muster-Roll. No Muster-Roll is maintained. This contention is not sustainable. The respondents were asked to maintain Muster-Roll by the Head Office. They have acted in violation of the direction of the Head Office memo dated 14-10-88 and 05-10-88.

It was further submitted from side of the Management that this court lacks jurisdiction as there is no master and servants relationship between the workman and the Management. This plea is not sustainable in view of 1985 (51) page (94). The Management cannot strike off the name of a workman from the rolls without paying retrenchment compensation. The Respondents/Management have indulged in unfair labour practice by depriving the workman the status and privilege of permanent workman. It is settled law that the management must maintain Muster-Roll in the circumstance of the present case. The management has acted in utter disregard of the Government orders and in breach of relevant provisions of the ID Act. The workman is a technician and he has admitted in his cross-examination that he gets the work of technician off and on, on daily rated wages, so he is entitled to get 50% back wages.

The workman is a technician and he has admitted in his cross examination that he gets work of technician off and on, daily rated wages, so he is entitled to get 50% back wages.

To sum up the workman has performed 9 years services continuously and uninterrupted if he was engaged on a project. The project is still continuing. Thus the workman has worked for 240 days 9 times in 9 years. Others in combat has been taken on his place. No permission has been sought for his removal. This act of Management amounts to unfair labour practices. The remedy available to the workman is reinstatement as the provision of 25 FGH and N have been violated. Regular appointment in valid appointment and appointment against recruitment rules do not stand in the way of compliance of section 25F of the ID Act.

It has been held in AIR 1996 SC 458 that the qualification for relief under section 25F is that he should be a workman employed in an Industry and he has been in continuous service for not less than one year under an employer. The workman undoubtedly has worked for more than 240 days so he is swam into the harbour Section 25F. He cannot be retrenched without payment at the time of retrenchment compensation computed as prescribed therein read with Section 25B(2). The workman has a right to be reinstated with 50% back wages.

The reference is replied thus :—

"The action of the Management of U. P. Rajkiya Nirman Nigam Ltd., in stopping from duty w.e.f. 14-11-97, Shri Rajinder Lal, Work Agent engaged in

their project work of construction of ESIC Hospital and Residential Complex, Rohini, Delhi, is neither justified nor legal ? The workman deserves to be reinstated w.e.f. 14-11-1998 with 50% back wages within two months of publication of the award and cost of Rs. 10,000 (Rs. Ten Thousand).

Award is given accordingly.

Dated : 09-03-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

का. आ. 1491.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उ. प्र. राजकीय निर्माण निगम लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली नं.-II, के पंचाट (संदर्भ संख्या 166/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-03-2006 को प्राप्त हुआ था।

[सं. एल-15012/1/1999-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1491.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. (166/99) of the Central Government Industrial Tribunal-cum-Labour Court, New Delhi No. II, as shown in the Annexure, in the Industrial Dispute between the management of U.P. Rajkiya Nirman Nigam Ltd., and their workmen, which was received by the Central Government on 21-03-2006.

[No. L-15012/1/1999-IR(M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER : R. N. Rai.

I. D. No. 166/1999

IN THE MATTER OF:—

Shri Pramod Kumar,
Through Union Office,
D-23 Teachers Colony,
West Vihar,
New Delhi-63.

Versus

The General Manager,
U.P. Rajkiya Nirman Nigam Ltd.,
Jamia Nagar,
New Delhi-25.

AWARD

The Ministry of Labour by its letter No. L-15012/1/99/IR(M) : Central Government dt. 8-6-1999 has referred the following point for adjudication :

"Whether the action of the General Manager, Uttar Pradesh Rajkiya Nirman Nigam Ltd., Jamia Nagar, New Delhi in stopping from duty w.e.f. 14-11-98, Shri Pramod Kumar, Work Agent engaged in their project work of construction of ESIC Hospital and Residential Complex, Rohini, Delhi, is justified and legal ? If not, to what relief the workman is entitled to ?"

The claimant has filed claim statement. It has been stated therein that the workman Shri Pramod Kumar has been working since 1989 at the post of Electrician in the ESIC Hospital Project Rohini. He has not been getting minimum wages and other lawful amenities from the Management.

That the conduct of the workman was satisfactory during his service period. That the local Management has not been making payment according to the orders of the Head Office. He has been paid only daily wages whereas the employees engaged subsequently got all the benefits.

That after 7 years of regular service, the workman was removed without following labour laws and without payment of retrenchment compensation.

That the Management has been transferring the other employees to different units after the closures of the distinct units but this workman was not transferred to other units but he was removed arbitrarily.

The Management has filed written statement. It has been stated therein that it has been wrongly stated that the workman has been working under the Management in the ESIC Hospital at the post of Electrician since 1990. The workman has never been on the Muster-Roll of the Management. He has not been appointed by the Management so he cannot be an employee of the Management.

That the averments of para 1 to 2, 3, 4, 5, are denied. It is further stated that the employees of the Management are transferred to different units according to need. He was not on the Muster Roll of the Management. So, there is no question of his transfer to the other units.

The workman has filed rejoinder. It has been stated therein that his services were terminated violating statutory legal norms by adopting unfair labour practice; however, the claimant performed his duties uninterruptedly and worked continuously for 7 years before termination of his service.

The last rate of wages of the claimant was Rs. 1900 p.m. before termination of service, which was less than the revised rate of minimum wages of Electrician at that time.

It is further submitted that the services of the claimant have been terminated by the Management w.e.f., 14-11-97 as the claimant raised demands of minimum wages, attendance cards and leave wages etc. through his union. It is further submitted that no statutory provisions of the Industrial Disputes Act, 1947 were followed by the Management.

It is specifically denied that the claimant was not an employee of the Corporation as alleged by the Management.

Evidence of both the parties has been taken. Heard argument from both the sides and perused the papers on the record.

It was submitted from the side of the workman that Management has admitted paper number-51 letter dated 4-11-1997. Since paper 51 letter dated 14-11-97 has been admitted, the contents of the letter shall be deemed to be admitted.

It was further submitted that in this paper exhibit MW1/W27, the period of services of Pramod Kumar and Rajinder Lal has been mentioned. It shall be deemed proved that Pramod has worked for 7 years and Rajinder Lal has worked for 9 years. According to this document Pramod has worked for 7 years under the Management and Rajinder as work for 9 years on 14-11-97. It was further submitted that Management has admitted letter dated 22-11-97 written by Senior Project Manager. This letter also confirms letter dated 14-11-97 in which service period of Pramod and Rajinder has been admitted.

It was further submitted that Management has admitted letter dated 14-11-88. It is exhibit MW1/W29 the relevant portion of the letter runs as year under :

"Resolved that approval be and is hereby accorded for adoption of Government order No. 4939 CB/88-23-Sa-ni-8, dated 5-10-1988 (Annexure D) regarding cessation of practice of engaging office/Assistant, Stenographer, Typists, Peons and Messengers etc; on PRW basis and the persons so appointed be engaged on Muster Roll with immediate effect.

Resolved further that para-27 and other provisions of the Manual of the Nigam inconsistent with the Government Orders aforesaid shall stand superceded to the extent of inconsistency."

According to this Memo the respondents have been advised not to engage persons on PRW basis. They must maintain Muster Roll register, No Muster Roll register has been produced before me in this context. The workman has been engaged in violation of Schedule 5th of the ID Act.

It was further submitted that the respondents/Management have acted in violation of memo dated : 5-11-98 and 7-1-92 exhibit MW1/W30 and exhibit MW1/W31.

It was further submitted that MWI has admitted that the Sh. B. D. Sharma is the Project Manager of Rohini site since 20-2-04. The witness has further admitted that he was not the Project Manager of that site prior to that, this witness has given the details regarding the Project Managers from 1996 till 27-12-05, the date of his deposition.

It was further submitted that the workman has filed paper numbers 9 to 58. These documents establish the fact that the workman has discharged a duties under the respondents and he has received wages from the respondents. These documents establish the fact that he has been made payments by Cheque right from the date of his engagement till termination of his service. The workman has successfully proved that he has worked under respondents as Electrician for 7 years continuously. He has not been paid wages according to the Minimum Wages Act. The documents filed by the workman go along way to prove that Rohini project is still in operation and the work of the workman is taken by another person so the work is of continuous and perennial in nature. The workman has worked for 7 complete years on less wages than prescribed by the Minimum Wages Act. The Respondents/Management have acted it in violation of 25F, G, H & N ID Act 1947.

It was submitted from the side of the Management that the workman was engaged on project. No appointment letter has been given to the workman for specific period. He has worked for 7 years as per the admission of the Management/Respondents. So, he is entitled to get compensation under section 25F of the I.D. Act. The project is still continuing as per the admission of the MWI. The Project is permanent.

It was further submitted from the side of the Management that the workman was not engaged on Muster Roll. No Muster Roll is maintained. This contention is not sustainable, The respondents were asked to maintain Muster-Roll by the Head Office. They have acted in violation of the direction of the Head Office memo, dated 14-10-88 and 05-10-88.

It was further submitted from side of the Management that this court lacks jurisdiction as there is no master and servants relationship between the workman and the Management. This plea is not sustainable in view of 1985 (51) page (94). The Management cannot strike off the name of a workman from the rolls without paying retrenchment compensation. The Respondents/Management have indulged in unfair labour practice by depriving the workman the status and privilege of permanent workman. It is settle law that the management must maintain Muster-Roll in the circumstance of the present case of the workman. The management has acted in utter disregard of the Government orders and in breach of relevant provisions of the ID Act.

The workman is a technician and he has admitted in his cross examination that he gets work of technician off

and on, daily rated wages, so he is entitled to get 50% back wages.

To sum up the workman has performed 7 years services continuously and uninterrupted even if he was engaged on a project. The project is still continuing. Thus the workman has worked for 240 days 7 times in 7 years. Others have been taken on his place. No permission has been sought for his removal. This act of Management amounts to unfair labour practices. The remedy available to the workman is reinstatement as the provision of 25 FGH and N have been violated. Regular appointment, in valid appointment and appointment against recruitment rules do not stand in the way of compliance of section 25F of the ID Act.

It has been held in AIR 1996 SC 458 that the qualification for relief under section 25F is that he should be a workman employed in an industry and he has been in continuous service for not less than one year under an employer. The workman undoubtedly has worked for more than 240 days so he is swam into the harbour section 25F. He cannot be retrenched without payment at the time of retrenchment, compensation computed as prescribed therein read with section 25B(2). The workman has a right to be reinstated with 50% back wages.

The reference is replied thus :—

The action of the Management of U. P. Rajkiya Nigam Ltd., in stopping from duty w.e.f. 14-11-98, Shri Pramod Kumar, Work Agent engaged in their project work of construction of ESIC Hospital and Residential Complex, Rohini, Delhi, is neither justified nor legal ? The workman deserves to be reinstated w.e.f. 14-11-1998 with 50% back wages within two months of publication of the award and to get a cost of Rs. 10,000 (Rs. Ten Thousand).

Award is given accordingly.

Dated : 10-03-2006

R. N. RAI, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

का. आ. 1492.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एअर इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, मुम्बई के पंचाट (संदर्भ संख्या 28/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-3-06 को प्राप्त हुआ था।

[सं. एल-11012/15/1999-आई आर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1492.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the Award (Ref. No. 28/99) of the Central Government Industrial Tribunal-cum-Labour Court-I, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air India and their workmen, which was received by the Central Government on 20-3-06

[No. L-11012/15/1999-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

Present

Justice S.C. Pandey, Presiding Officer

Reference No. CGIT-28/1999

Parties :

Employers in relation to the management of Air India

AND

Their Workmen

APPEARANCES :

For the Management : Mr. Benny Francies, Adv.

For the Workman : Mr. Mulani, Adv.

State : Maharashtra

Mumbai dated the 19th day of May 2003

AWARD PART-I

1. This is a reference made by the Central Government in exercise of its power vested in it under clause (d) of sub-section (1) of Section 10 read with sub-section 2A of the Industrial Disputes Act, 1947 (the Act for short). The terms of the reference as per schedule annexed to the order of reference are as follows :

“क्या एअर इंडिया के प्रबंधन द्वारा दि. 29-12-92 से श्री पी एम सैम्युल वरिष्ठ प्लांट टेक्निशियन, की सेवाएं बर्खास्त किया जाना विधिवत् उचित व न्यायसंगत है ? यदि नहीं तो कर्मकार किस रहत के पात्र हैं ?”

2. The undisputed facts of this case, so far as they are necessary, for deciding the validity of domestic enquiry may be stated hereinafter. M. Samuel (the workman for short) was employed as a Senior Plant Technician with the Air India Ltd. (the Company for short) from 1-1-1986. The workman was served with charge sheet dated 9-11-1992 as per clause 14(3)(b) and 14(3)(h) of Model Standing Orders. The charges framed against the workman may be stated in words as follows :

- (i) Theft of the property of the Corporation.
- (ii) Act subversive of discipline.

The company decided to hold enquiry against the workman because it was not satisfied by the reply dated 29-1-1992 filed by the workman. By order dated 27-3-1993 an enquiry committee consisting of Shri M.L. Bhaumik as the Convenor and Shri J.R. Parmar as the Member was constituted. The workman participated in the enquiry proceedings. He was defended by his defence representative, Shri T.R. Chopdekar. After recording evidence, the enquiry report dated 17-9-1992 was submitted to the Competent Disciplinary Authority holding that charges framed against the workman were proved by evidence led on record. The Competent Disciplinary Authority agreed with the findings recorded in the enquiry and it imposed the punishment of dismissal by order dated 21-12-1992. The workman has not disputed the issuance of charge sheet dated 9th January, 1992, although he has not referred to statement of allegations, showing the background of the charges framed against the workman. It would not be out of place to refer these allegations at the outset. It was stated on 20-7-1990 the workman was going out of premises on scooter. Mr. C.S. More, Senior Security Asstt. saw the workman was carrying a brown paper packet in front carrier of scooter. He signaled and shouted at the workman calling him to stop. The workman sped away. He was pursued. After passing Marol signal, Mr. More saw the scooter parked. He wanted to examine the packet. Thereupon, the workman pushed the packet aside and ran away. It was found by Mr. C.S. More that the packet contained 3 copper cables. Thereafter, he lodged the FIR.

3. In his statement of claim, the workman, inter alia, pleaded that he was not supplied with the report of the enquiry committee dated 17-9-1992 before passing of the order dated 2-12-1992. It was stated that it was not furnished with the show cause notice dated 22-9-1992. Apart from the aforesaid Statement, it was further stated that workman was acquitted on the identical charges by the Criminal Court and consequently, there was no case for framing charges against the workman. The copy of judgement in Criminal case showed honourable acquittal. It was also pleaded that the enquiry held against the workman was not fair and proper. A part of enquiry was held against the workman, in his absence, in violation of the principles of natural justice. The workman was not given copies of the relevant documents. It was stated that stolen property was not produced in presence of the workman and the findings recorded against the workman are perverse. It was stated that enquiry was not held to be fair and proper by Justice Sindhkar by judgement dated 28-10-1994. Subsequently, Justice R.S. Verma granted approval by order dated 7-5-1997 by way of an ex parte judgement. It was stated that approval should not have been granted because the company did not prove the charges against the workman.

4. In the written statement filed on behalf of company, the claim of the workman was denied. It was stated that workman was given full opportunity to defend

himself. He participated in the enquiry. He was represented by his defence representative. It was asserted that the charges against the workman are proved on the basis of evidence on record. The findings of fact were not perverse. The property in question was duly proved to be stolen property of the workman.

5. In view of the aforesaid pleadings of the parties, this tribunal has framed the following preliminary issues :

- (i) Whether the enquiry held against the workman is vitiated as he was not given proper opportunity to defend himself in accordance with law ?
- (ii) Whether the principles of natural justice were violated during the course of enquiry ?
- (iii) Whether the finding of the Enquiry Officer is perverse ?

6. The workman filed his affidavit dated 11-1-2000. He was cross examined. Thereafter, he closed his case. The company did not want to lead any evidence.

7. The Issue No. 1 and 2 are taken up together. It may be stated that by judgement dated 28-10-1994. Mr. Justice R.G. Sindhkar had found that the enquiry was vitiated. The judgement forms part of record of Approval application NTB No. 68 of 1992. A copy of that judgement is on record. However, this tribunal shall not go by the findings recorded in judgement dated 28-10-1994. Mr. Moses had filed his affidavit and he has been cross-examined. It was stated by him that on 17-7-1992 and 21-7-1992, the proceedings of enquiry were held in his absence. On 17-7-1992, when the enquiry committee took the alleged stolen property on record he was not intimated. The defence representative was not present. In cross-examination on the point, the workman denied that the allegedly stolen property was produced in his presence before the enquiry committee. He denied that he was given notice that he had inspected maintenance shop. The notice dated 15-7-1992 for appearance on 17-7-1992 was not received by him but his wife had received it.

8. No evidence was led by the company to prove that the workman was given notice of hearing on 17-7-92. In the enquiry, the workman had taken stand that the property involved in the enquiry did not belong to the company. The workman was acquitted in the criminal case and one of the grounds for acquittal was that the property in question was not proved to have belonged to the company. It appears from page 36 of the enquiry papers that on 7-7-1992. The following was recorded at the end of order sheet :

“Examination of Mr. Samuel by the Enquiry Committee was concluded.

With reference to the observations of the Defence Counsel in page 34, para 2 of the proceedings, with regard to case property and punch card/Duty Allocation sheets of M/s. More and Salve, the Committee had requested the Security Department to produce the same today. However, further efforts will be made by the Committee to produce the same for perusal of the Committee as well as the Employee charged and its Defence. In order to achieve this, the Committee will not finally conclude the proceedings at this stage.

The Defence sought two weeks time to submit final statement i.e. latest by July 20, 1992."

Thereafter, the property was produced before the enquiry committee on 17th July 1992 by C.S. More. It has been recorded that a letter dated 15th July 1992 was sent to C.S. More for his appearance on 17th July 1992. Since he did not appear the enquiry committee decided to examine the property.

It would be clear that it was assumed by the enquiry committee that the workman had received the letter dated 15th July 1992. Before this tribunal, however, no attempt was made to place evidence on record regarding the fact that letter aforesaid was sent to the workman and it had reached the workman. Justice R.G. Sindhkar in his judgement 28-10-1994 had observed that similar was the position before him till 14-6-1994. However, a vague affidavit on Mr. Bhaumik was filed before him on 17-6-1994. It was rejected by him. There is nothing on record of this reference to suggest that letter dated 15th July 1992 reached the workman prior to 17th July 1992. The judgement of Justice Sindhkar in paragraph 21 lends support to the findings. It has been found from the registered letter produced before him that letter bore the stamp of 20-7-1992 at Airport Post Office and 29-7-1992 at the Post office of delivery. A telegram was also placed on record to the effect sent by the wife of Samuel in respect of the aforesaid letter. It was also held the letter sent under postal certificate was not proved to have reached the addressee prior to 17-7-1992. The aforesaid finding recorded by Justice Shri R.G. Sindhkar gives a stronger ground to this tribunal for holding that the company has failed to discharge the burden placed upon it because even the material that was placed during the course of approval application has not been introduced by company when it closed its case without leading any evidence. No material placed on that the workman was given notice of proceedings held on 21-7-1992.

9. In view of the aforesaid findings, this tribunal comes to the same conclusion on merits, as was done by this tribunal while disposing of the application under Section 33(2)(b) of the Act, that the principles of natural justice were violated by the company. Accordingly, the Issue Nos. 1 and 2 are decided against the company and in favour of the workman.

10. It is therefore, not necessary to decide the remaining issue.

11. Consequently, it is held that the enquiry is vitiated and it is set aside. The company is given right to prove the charges, before this tribunal.

S.C. PANDEY, Presiding Officer

PRESENT

Justice Ghanshyam Dass, Presiding Officer

Reference No. CGIT-28/1999

Parties :

Employers in relation to the management of
Air India Ltd.

AND

Their Workmen.

APPEARANCES

For the Management : Mr. Benny Francies, Adv.

For the Union : Ms. Mulani, Adv.

State : Maharashtra

Mumbai, dated the 2nd day of March, 2006

AWARD PART-II

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) vide Government of India, Ministry of Labour, New Delhi Order No. L-11012/15/99 C-I dated 10-5-1999. The terms of reference given in the schedule are as follows :

"क्या एअर इंडिया के प्रबंधन द्वारा दि. 29-12-92 से श्री डी एम सैमुल वरिष्ठ प्लांट टेकनिसियन, को सेवाएं बर्खास्त किया जाना विधिवत् उचित व न्यायसंगत है ? यदि नहीं तो कर्मकार किस राहत के पात्र हैं ?"

2. Shri D.M. Samuel (hereinafter referred to as workman for short) had joined with the Air India Ltd. (hereinafter referred to as Company for short) as a Plant Technician on 29-9-1980. He was promoted to the post of Senior Plant Technician w.e.f. 01-1-1986 and was working as such on the date of the termination of service on 29-12-1992. The workman was charge sheeted on 09-1-1992 as per provisions of Model Standing Orders clause No. 14(3)(b) and (h). The charges levelled against the workman were : (a) Theft of Corporation property (b) Act subversive of discipline. The workman submitted his reply to the charge sheet which was not found to be satisfactory with the result, the domestic enquiry was initiated and concluded against the workman with the result, the workman was dismissed from service by the Competent Authority after

issue of show cause notice and complying with the mandatory provisions of the Act. The matter was decided by the Tribunal on 19-5-2003 whereby the domestic enquiry was held to be vitiated and set aside. The Company was given a right to prove the charges before the Tribunal. In this background, the domestic enquiry and its finding are of no relevance, being set aside by this Tribunal as mentioned above and the said order has become final being not challenged by the parties.

3. The Company has filed the affidavits of Shri M.L. Bhowmick and Shri C.S. More. The evidence of Shri M.L. Bhowmick is not of any use since he is not a eye witness. The only evidence which remains to be considered is the evidence of Shri S. More. He is the key witness on the point in issue as to whether the charge of theft levelled against the workman is proved before this Tribunal or not? The eye witness Shri Salve, Security Guard was admittedly an eye witness but he has not been examined by the Company for the reasons best known to it.

4. The charge is for theft of cables belonging to Air India. These cables were in length about 9.11 feet and weighed about 15 to 20 kgs. It is alleged that these cables were hidden by the workman in the rain coat and were also kept in the front dikky of the scooter. I have gone through the entire evidence of Shri C.S. More. I conclude that his testimony does not inspire confidence. It does not appear to be true that the cables could be carried away by the workman in the manner as alleged. The information had earlier been there to Shri C.S. More regarding the commission of theft but he had not put any additional force at the Security Guard. The constant watch over the workman was being kept and still he managed to pass out through the Security gate without any interruption. He was not stopped at the Security gate. He was going on his scooter and when he passed through the Security gate and noticed by Mr. More, Mr. More hired one Auto rickshaw and chased him and apprehended him at some distance. The entire story as narrated by Mr. More does not appear to be appealable. A criminal complaint had been filed against the workman for which a charge sheet was submitted and the workman was put to trial. The workman has been acquitted by the criminal court of the Metropolitan Magistrate 22nd Court, Andheri, Mumbai vide CC No. 451/91, on merits. The only evidence of Mr. More was led before the Criminal Court and the same was disbelieved for certain contradictions and omissions. After the acquittal by the criminal court, the workman was charge sheeted and the domestic enquiry was held which has already been set aside by this Tribunal.

5. I have heard the learned counsel for the parties and perused the record. Now, I take up the cases cited by the learned counsel for the workman.

6. In 1995 I CLR 860 in between Chandrakant Raoji Gaonkar vs. Bombay Port Trust, the Honourable High Court

of Bombay held that on the basis of the same material and on the basis of re-appreciation of the same evidence which was there before the Criminal Court, without anything more, it is not open to the Disciplinary Authority to take a contrary view and if this is permitted then it would render judicial system nugatory.

7. In the case of Hardwarilal vs. State of U.P. 2000 I CLR page 73, the Honourable Supreme Court set aside the dismissal when it was found that the evidence led was not sufficient and the enquiry was vitiated on account of non-observation of principle of natural justice. The Honourable Supreme Court passed the order for reinstatement with 50% back wages.

8. In 1999 I LLN page 7 M/s. Neeta Kaplish vs. The Presiding Officer, Labour Court, the Honourable Supreme Court held that the Management if allowed to lead fresh evidence to prove the charges, and did not lead any evidence, it could not raise any grouse at any subsequent stage and the management has to suffer.

9. In a latest case reported in 2006 I LLJ in between Raghuvar Dutt Palaria and General Technical Manager, H.M.T. Ltd., the Honourable High Court of Uttaranchal held that in the case of acquittal of employee by a criminal court on some set of facts and with same witness deposing, the dismissal of the employees by the employer is not sustainable. It was accordingly quashed and the employees was reinstated with 1/3rd salary from dismissal till reinstatement.

10. The learned counsel for the Company did not cite any ruling in its support.

11. The picture which emerges out in this case is that the workman was charged sheeted after the clear acquittal made by the criminal court regarding the alleged theft of cables belonging to the Company. The domestic enquiry was concluded against the workman. He was found guilty for the charges and accordingly dismissed from service. The domestic enquiry has already been held to be vitiated and set aside. The same evidence which was led before the Enquiry Officer is being led again before this Tribunal when the Company was given an opportunity to lead the evidence to prove the charges. The same evidence was led by the Company in the criminal trial and it was disbelieved. In this view of the matter, I do not find any fresh evidence on the basis of which it may be inferred that the charge of misconduct on account of commission of theft by the workman is brought home on record. The law laid down by the Hon'ble Supreme Court and different Honourable High Courts (supra) makes it clear that the punishment of dismissal is not sustainable and the workman is to be reinstated in service.

12. Now the question arises as to what other relief can be given to the workman.

13. The workman has not appeared before this Tribunal nor he has led any evidence either by examining himself or by examining any other witness. He has not shown to this tribunal that he is idle since the dismissal order. It has not been shown that the workman is not being engaged in any other work or that he tried for the job but he could not get. This burden was upon the workman to claim full back wages. The workman is a technical person being employed as Sr. Plant Technician in the year 1992. It is not believable that the workman would have been without work since then till date. The reinstatement should not be treated as a boom in disguise. Keeping in mind the law laid down by the Honourable Courts (supra) I conclude that the workman is entitled to be reinstated into service with 1/3rd of the back wages as held by the High Court of Uttanchal in a very recent case reported in 2006 (supra).

14. In this view of the matter, the action of the Management of the Company in dismissing the workman from service is held to be illegal and unjustified. The workman is entitled to the reinstatement in service immediately with 1/3rd of back wages from the date of dismissal till he is being reinstated. The reinstatement should be made by the Company latest by 30th April 2006 and in case he is not being reinstated he would be deemed to be entitled for full wages from 1st May 2006.

15. The Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

कर. आ. 1493.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 8/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-3-06 को प्राप्त हुआ था।

[नं. एल-20012/148/2004-आई आर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1493.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 20-3-06

[No. L-20012/148/2004-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Present

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947.

Reference No. 8 of 2005

Parties :

Employers in relation to the management of
Bastacolla Area of M/s. BCCL

AND

Their Workman.

APPEARANCES

On behalf of the Workman : None

On behalf of the Employers : Mr. U.N. Lal,
Advocate.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 2nd February, 2006

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/148/2004-IR (C-I), dated the 17th December, 2004.

SCHEDULE

"Whether the demand of the JMS from the management of BCCL Bastacolla Area of M/s. BCCL for regularising Shri Ashish Kumar Tiwari as Chainman is justified? If so, to what relief is the concerned workman entitled and from what date?"

2. In this case neither the concerned workman nor his representative appeared before this Tribunal. Management, however, made appearance through their authorised representative. It transpires from the record that the instant reference is pending since 13-1-2005. It further transpires from the record that Regd. notices and show cause notice were issued to the concerned workman/sponsoring union consecutively. In terms of Rule 10(B) of the I.D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file statement of claim complete with relevant documents, list of reliance and witnesses before the Tribunal within fifteen days from the receipt of the order of reference. The concerned workman/sponsoring union not only violated the above rules but also did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/

sponsoring union it is taken into consideration will expose clearly that they are not interested to proceed with the hearing of the case. Under the circumstances, this Tribunal also finds no ground to adjourn the case suo moto for causing appearance of the workman/sponsoring union. Hence, the case is closed and accordingly a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

का. आ. 1494.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 53/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-3-06 को प्राप्त हुआ था।

[सं. एल-20012/224/2004-आई आर (सी-I)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1494.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 53/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workman, which was received by the Central Government on 20-3-06

[No. L-20012/224/2004-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 53 of 2005

PARTIES:

Employers in relation to the management of Barka Sayal Kshetra of M/s CCL

AND

Their Workmen.

APPEARANCES

On behalf of the Workman : None

On behalf of the Employers : Mr. D.K. Verma,
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 2nd February, 2006

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/224/2004-IR (C-I), dated the 13th May, 2005.

SCHEDULE

"Whether the action of the management of Urimari Project under Barka Sayal Kshetra of M/s. CCL, Sayal, Hazaribagh in not correcting the date of birth of Shri Tenga Munda in his service sheet as 1948 instead of 1-7-1944 and further superannuating him from the services w.e.f. 30-6-2004 is proper and justified? If not, to what relief is the workman entitled?"

2. In this case neither the concerned workman nor his representative appeared before this Tribunal. Management, however, made appearance through their authorised representative. It transpires from the record that the instant reference is pending for disposal since 31-5-2005. It further transpires from the record that Regd. notices and show cause notice were issued to the concerned workman/sponsoring union consecutively. In terms of Rule 10(B) of the I.D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file statement of claim complete with relevant documents, list of reliance and witnesses before the Tribunal within fifteen days from the receipt of the order of reference. The concerned workman/sponsoring union not only violated the above rules but also did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/sponsoring union it is taken into consideration will expose clearly that they are not interested to proceed with the hearing of the case. Under the circumstances, this Tribunal also finds no ground to adjourn the case suo moto for causing appearance of the workman/sponsoring union. Hence, the case is closed and accordingly a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

का. आ. 1495.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि.

के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 24/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-3-06 को प्राप्त हुआ था।

[सं. एल-20012/124/2003-आई आर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1495.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 20-3-06

[No. L-20012/124/2003-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Present

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 24 of 2004

Parties :

Employers in relation to the management of
Bararee Colliery of M/s. B CCL

AND

Their Workmen.

APPEARANCES

On behalf of the Workman : None

On behalf of the Employers : Mr. D.K. Verma,
Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 12th February, 2006.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/124/2003-IR (C-I), dated the 24th December, 2003.

SCHEDULE

“Whether the action of the management of M/s. BCCL, in not regularising Shri Rama Nand Dusadh as Security Guard is justified? If not, to what relief is the concerned workman entitled?”

2. In this case neither the concerned workman nor his representative appeared before this Tribunal. Management, however, made appearance through their authorised representative. It transpires from the record that the instant reference is pending for disposal since 12-1-2004. It further transpires from the record that Regd. notices and show cause notice were issued to the concerned workman/sponsoring union consecutively. In terms of Rule 10(B) of the I.D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file statement of claim complete with relevant documents, list of reliance and witnesses before the Tribunal within fifteen days from the receipt of the order of reference. The concerned workman/sponsoring union not only violated the above rules but also did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/sponsoring union if is taken into consideration will expose clearly that they are not interested to proceed with the hearing of the case. Under the circumstances, this Tribunal also finds no ground to adjourn the case suo moto for causing appearance of the workman/sponsoring union. Hence, the case is closed and accordingly a ‘No dispute’ Award is passed in this reference presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

का. आ. 1496.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 80/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-3-06 को प्राप्त हुआ था।

[सं. एल-20012/66/2004-आई आर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1496.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 80/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 20-3-06

[No. L-20012/66/2004-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2)
AT DHANBAD
PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section
 10(1)(d) of the I.D. Act, 1947.

Reference No. 80 of 2004

PARTIES :

Employers in relation to the management of
 Sijua Area of M/s. B CCL

AND

Their Workmen.

APPEARANCES

On behalf of the Workman : None

On behalf of the Employers : Mr. D.K. Verma,
 Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 2nd February, 2006.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/66/2004-IR (C-I), dated, the 28th June, 2004.

SCHEDULE

“Whether the action of the management of Loyabadi Colliery of M/s. BCCL, in dismissing Sri Biswanath Bhattacharjee from the services of the company w.e.f. 25-8-93 is fair and justified. If not, to what relief is the concerned workman entitled”

2. In this case neither the concerned workman nor his representative appeared before this Tribunal. Management, however, made appearance through their authorised representative. It transpires from the record that the instant reference is pending for disposal since 18-10-2004. It further transpires from the record that Regd. notices and show cause notice were issued to the concerned workman/sponsoring union consecutively. In terms of Rule 10(B) of the I.D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file statement of claim complete with relevant documents, list of reliance and witnesses before the Tribunal within fifteen days from the receipt of the order of reference. The concerned workman/sponsoring union not only violated the above rules but also did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/sponsoring union if it is taken into consideration will expose clearly that they

are not interested to proceed with the hearing of the case. Under the circumstances, this Tribunal also finds no ground to adjourn the case suo moto for causing appearance of the workman/sponsoring union. Hence, the case is closed and accordingly a ‘No dispute’ Award is passed in this reference presuming non-existence of any industrial dispute between the parties presently.

B: BISWAS, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

का. आ. 1497.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 9/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-3-06 को प्राप्त हुआ था।

[सं. एल-20012/254/1997-आई आर (सी-I)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1497.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 9/2000) of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 20-3-06

[No. L-20012/254/1997-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL-CUM-
 LABOUR COURT (NO. 1), DHANBAD**

In the matter of a reference U/s. 10(1)(d)(2A) of Industrial
 Disputes Act, 1947

Reference No. 9 of 2000

PARTIES :

Employers in relation to the management of
 Block-II Area of BCCL

AND

Their Workmen

PRESENT

Shri Sarju Prasad, Presiding Officer

For the Employers : None.

For the Workmen : Shri S.C. Goswani, Adv.

State : Jharkhand Industry : Coal

Dated, the 1st March, 2006

AWARD

By order No. L-20012/254/97/IR (C-I), dated, 20th December, 1999 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal.

“क्या बिहार कौलियरी मजदूर संघ की मांग कि श्रीमती विजया देवी, माया को आयु निर्धारण के लिए सर्वोच्च मेडिकल बोर्ड भेजा जाए उचित एवं न्याय संगत है ? यदि हाँ तो कर्मकार किस राहत के पात्र हैं।”

2. A petition has been filed duly signed by Tija Devi concerned workman and her Advocate to the effect that she does not want to contest this case.

From the record it appears that concerned workman Tija Devi has already been superannuated on the basis of age mentioned in Form B Register, after attaining the age of 60 years on 26-8-2003.

Since the concerned workman has been supernannuated on the basis of Form B Register which is maintained under the provisions of Section 48 of Mines Act and the concerned workmen also does not want to contest the case.

Therefore, a no dispute award is submitted in this case.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

का. आ. 1498.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-I के पंचाट (संदर्भ संख्या 258/94) को प्रकटित करती है, जो केन्द्रीय सरकार को 20-3-06 को प्राप्त हुआ था।

[सं. एल-20012/378/1993-आई आर (सी-1)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1498.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 258/94) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-I, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workmen, which was received by the Central Government on 20-3-06.

[No. L-20012/378/1993-IR(C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (NO. 1), DHANBAD

In the matter of a reference U/s. 10(1)(d)(2A) of Industrial Disputes Act, 1947.

Reference No. 258 of 1994

PARTIES:

Employers in relation to the management of
Angarpathra Colliery of M/s. BCCL

AND

Their Workmen

PRESENT

Shri Sarju Prasad, Presiding Officer

APPEARANCES:

For the Employers : Sri R.N. Ganguli, Adv.

For the Workman : Shri B. N. Singh, Addl.
Genl. Secretary.

State : Jharkhand Industry : Coal

Dated, the 8th March, 2006

AWARD

By order No. L-20012/378/93/IR (Coal-I), dated, 10-11-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Angarpathra Colliery of BCCL in denying the employment to Smt. Chinta Devi W/o late Gouri Shanker Dusadh is justified ? If not, to what relief Smt. Chinta Devi is entitled ?”

2. Both parties have filed Written Statement. The sponsoring union has claimed employment of Smt. Chinta Devi widow of late Gouri Shanker Dusadh on the basis of death of Gouri Shanker Dusadh on 1-10-90.

The management has claimed that concerned workman Gouri Shanker Dusadh was already dismissed from service on 23-5-86. Against which he has not raised any Industrial Disputes. On the date of death he was not a workman of management of Angarpathra Colliery of M/s. BCCL. Therefore there is no question of giving employment to his widow Chinta Devi. The management has produced the dismissal letter as against this no evidence has been produced from the side of Chinta Devi or the sponsoring union. Therefore, I render the following Award :

The action of the management of Angarpathra Colliery of M/s. BCCL in denying employment to

Smt. Chinta Devi W/o late Gouri Shanker Dusadh is justified and she is not entitled to any relief.

S. PRASAD, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

का. आ. 1499.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 103/2000), को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-2006 को प्राप्त हुआ था।

[सं. एल-20012/85/2000-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1499.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 103/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 20-03-2006

[No. L-20012/85/2000-IR(C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act, 1947.

REFERENCE NO. 103 OF 2000

PARTIES

Employers in relation to the management of M/s. BCCL and their workman.

APPEARANCES

On behalf of the workman : None

On behalf of the employers : Mr. D. K. Verma,
Advocate

State : Jharkhand

Industry : Coal

Dhanbad the 10th February, 2006

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of

the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/85/2000 (C-I), dated the 7th September, 2000.

SCHEDULE

“Whether the action of the management of Govindpur Area-III of M/s. BCCL Dhanbad in not regularising Sri Arun Kumar Mahato as Asstt. Store Keeper is justified ? If not, to what relief is the concerned workman entitled and from what date ?”

2. The case of the concerned workman according to Written Statement submitted by the sponsoring union on his behalf in brief is as follows :—

The sponsoring union submitted that the concerned workman Shri Arun Kumar Mahato was directed by the Depot Officer of Sinidih Regional Store, Govindpur Area No. III to report to Shri Bhola Rajwar, Store Keeper to assist him in various day to day jobs of spares shed of the above Store and in compliance to the said direction he started assisting the Store Keeper to his all satisfaction and satisfaction of all concerned superiors. They submitted that after working as Asstt. Store Keeper by assisting Shri Bhola Rajwar Store Keeper continuously for more than a year in compliance to office order dt. 2-9-95, the concerned workman started requesting the management to change his designation as Asstt. Store Keeper and place him in proper clerical grade for the same. But as he did not receive any positive response to that effect he submitted representation to the management with request to change his designation as Asstt. Store Keeper. But management rejected his prayer for which he raised an industrial dispute before the ALC(C) for conciliation which ultimately resulted reference to this Tribunal for adjudication. The sponsoring union accordingly submitted prayer to pass award directing the management to regularise the concerned workman as Asstt. Store Keeper.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegation which the sponsoring union asserted in the Written Statement submitted on behalf of the concerned workman. They submitted that the concerned workman was appointed on 12-10-94 as Time rated Mazdoor in Cat I. He was entrusted the job of Oil Man in Petrol Pump of the Regional Store which is also the job of Cat. I Mazdoor. They submitted that the concerned workman is working as Oil Man regularly and getting his wages as Cat. I Mazdoor. They further submitted that in view of circular issued by the Headquarter there is strict prohibition for diversion of the piece rated and time rated worker in clerical cadre without prior approval of the competent authority. They alleged that the concerned workman who is a Cat. I Mazdoor placed his demand for payment in clerical grade illegally and through litigation. They disclosed that promotion in clerical grade is being made through D.P.C. by giving equal

opportunity to all eligible candidates after taking prior approval from the Cadre Controlling Authority. The concerned workman has got no right to claim promotion as Assistant Store Keeper directly from Cat. I Mazdoor. Accordingly they submitted that the claim placed by the sponsoring union is illegal, arbitrary and for which he is not entitled to get any relief.

4. POINTS TO BE DECIDED

“Whether the action of the management of Govindpur Area-III of M/s. BCCL Dhanbad in not regularising Sri Arun Kumar Mahato as Asstt. Store Keeper is justified ? If not, to what relief is the concerned workman entitled and from what date ?”

5. FINDING WITH REASONS

The sponsoring union with a view to substantiate their claim examined the concerned workman as WW-1. Management also in support of their claim examined one witness as MW-1. Considering the evidence of both sides and considering the materials on record I find no dispute to hold that the concerned workman got his appointment on 12-10-94 as Cat. I Mazdoor at Bhuggatdih Colliery under Kustore Area No. VIII. It is the contention of WW-1 i.e. the concerned workman that in the month of August, 1995 he was transferred to Govindpur Area No. III as Cat. I Mazdoor. But there he was asked to work as Assistant of Store Keeper with effect from September, 1995. Since then he started discharging his duties as Assistant to Store Keeper continuously though management paid him wages of Cat. I. In support of his claim he relied on the order issued by the management marked as Ext. W-1. He disclosed that he discharged his duties continuously for years together. He submitted a representation to the management in the year 1998 for his regularisation as Asstt. Store Keeper with proper grade. But his such prayer was turned down. He also relied on an order issued by Depot Officer Sinidih Regional Store, Govindpur Area dt. 31-5-2001 in support of his claim that he was asked to work as Asstt. Store Keeper under the management. On the contrary MW-1 who was Depot Officer posted at Regional Store, Sinidih under Govindpur Area, during his evidence disclosed that the concerned workman was posted in the said Store as General Mazdoor. He further disclosed that as General Mazdoor his duty is to fill the diesel tank of the vehicle of the management and accordingly he categorically denied the claim of the concerned workman that he was allowed to work as Asstt. Store Keeper. He also categorically denied issuance of any authority authorising the concerned workman to work as Asstt. Store Keeper. He disclosed that duty of Asstt. Store Keeper is to maintain indents, ledgers, registers, to check stock of diesel and also other works relating to maintenance of stores. The latter marked as Ext. W-1 was issued by the management in favour of the concerned workman for performing the job of General

Mazdoor. He disclosed that assisting the Store Keeper does not mean that he was designated as Asstt. Store Keeper for the said purpose. Considering the evidence of the concerned workman as well as of the management and also considering materials on record it transpires clearly that the sponsoring union has placed their claim for regularisation of the concerned workman as Asstt. Store Keeper based on office order issued by the Depot Officer dt. 2-9-95 marked as Ext. W-1. I have considered the said office order and from that office order it transpires that the concerned workman was asked to report to Shri Bhola Rajwar to assist him in various day to day jobs of spares shed. From the letter issued by the Depot Officer Sinidih Regional Store, Govindpur Area marked as Ext. W-3 it has been exposed further that the concerned workman was authorised to issue diesel and sign the D.T and gate pass. MW-1 who was Depot Officer of Sinidih Regional Stores during his evidence disclosed that duty of Category-I Mazdoor is to fill the diesel tank of the vehicles of the management. Therefore, as he was entrusted to discharge such job there was no scope to say that he discharged the duties of Asstt. Store Keeper. Considering Office order W-1 and letter marked as Ext. W-3 I have failed to find out any such signal based on which there is scope to say that Depot Officer authorised the concerned workman to work as Asstt. Store Keeper at Sinidih Regional Stores.

It is to be borne in mind that the post of Asstt. Store Keeper comes under clerical Grade-III, As per NCWA, appointment in clerical grade is made through interview/selection. It has been submitted by the Ld. Advocate for the management that in view of circular issued by Headquarters there is absolute restriction to regularise any workman either time rated or piece rated Cat. I in clerical Grade-III without facing D.P.C. and also without having any appropriate order. Before considering claim of the concerned workman it has to be looked into whether the Depot Officer is competent enough to issue any order by virtue of which a workman is authorised to work in the post of Asstt. Store Keeper which comes under clerical Grade-III knowing fully well that the said workman is Cat. I Mazdoor. During hearing the sponsoring union has failed to produce any such order based on which there is scope to draw conclusion that the Depot Officer was competent to authorise any workman of Cat. I to discharge his duty in the post of clerk. Therefore if the submission of the Ld. Advocate for the management is taken into consideration there is sufficient scope to say that Cat. I Mazdoor cannot claim his regularisation in clerical grade without facing D.P.C. and also maintaining proper norms. Here in the instant case there is no dispute to hold that the concerned workman got his appointment as Cat. I Mazdoor on 12-10-94. The claim of the sponsoring union is that the Depot Officer authorised the concerned workman to work as Asstt. Store Keeper. In support of their claim they based on two documents marked as Ext. W-1 and W-3. On careful

consideration of these two documents I have failed to find out any such material based on which there is scope to uphold the contention of the union. Therefore, considering the facts and circumstances discussed above I hold that the claim of the sponsoring union for regularisation of the concerned workman as Asstt. Store Keeper appears to be absolutely baseless and for which the concerned workman is not entitled to get any relief. In the result, the following Award is rendered :—

“The action of the management of Govindpur Area-III of M/s. BCCL Dhanbad in not regularising Sri Arun Kumar Mahato as Asstt. Store Keeper is justified. Consequently, the concerned workman is not entitled to get any relief.”

B. BISWAS, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

का. आ. 1500.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II, के पंचाट (संदर्भ संख्या 60/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-2006 को प्राप्त हुआ था।

[सं. एल-20012/260/2003-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1500.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947); the Central Government hereby publishes the Award (Ref. No. 60/2004) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 20-03-2006.

[No. L-20012/260/2003-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 60 OF 2004

PARTIES

Employers in relation to the management of PB Area of M/s. BCCL and their workman.

APPEARANCES

On behalf of the workman : None

On behalf of the employers : Mr. U. N. Lal Advocate

State : Jharkhand

Industry : Coal

Dhanbad, the 1st February, 2006.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/260/2003-I.R. (C-I), dated, the 26th April, 2004.

SCHEDULE

“Whether the action of the management of Gopalichak Colliery in dismissing Sri Badri Turi from the services of the company w.e.f. 20-2-99 is fair and justified ? If not, to what relief is the concerned workman entitled ?”

2. In this case neither the concerned workman nor his representative appeared before this Tribunal. Management, however, made appearance through their authorised representative. It transpires from the record that the instant reference is pending since 20-5-2004. It further transpires from the record that Regd. notices and show cause notice were issued to the concerned workman/sponsoring union consecutively. In terms of Rule 10(B) of the I.D. Central Rules, 1957 it is mandatory on the part of the concerned workman/sponsoring union to file statement of claim complete with relevant documents, list of reliance and witnesses before the Tribunal within fifteen days from the receipt of the order of reference. The concerned workman/sponsoring union not only violated the above rules but also did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workman/sponsoring union if is taken into consideration will expose clearly that they are not interested to proceed with the hearing of the case. Under the circumstances, this Tribunal also finds no ground to adjourn the case suo moto for causing appearance of the workman/sponsoring union. Hence, the case is closed and accordingly a ‘No dispute’ Award is passed in this reference presuming non-existence of any industrial dispute between the parties presently.

B. BISWAS, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

का. आ. 1501.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II, के पंचाट (संदर्भ संख्या 182/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-03-2006 को प्राप्त हुआ था।

[सं. एल-20012/329/2000-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 21st March, 2006

S.O. 1501.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 182/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 20-03-2006.

[No. L-20012/329/2000-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 182 OF 2000

PARTIES

Employers in relation to the management of M/s. BCCL and their workman.

APPEARANCES

On behalf of the workman : Mr. B. B. Pandey,
Advocate

On behalf of the employers : Mr. R. N. Ganguly,
Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 2nd February, 2006.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/329/2000 (C-I), dated the 29th November, 2000.

SCHEDULE

"Whether the action of the Project Officer, Bhowra North U.G. Mines, P.O. Bhowra, Dist. Dhanbad in not paying the difference of wages and designation of U.G. Munshi to Shri R. K. Paul, Electric helper is justified? If not, to what relief is the workman entitled and from what date?"

2. In this case both the parties appeared through their authorised representative and filed their respective Written Statement, documents etc. The case then proceeded along its course. Subsequently at the stage of oral evidence

of the workman Ld. Advocate on his behalf by filing a petition submitted prayer to pass a 'No dispute' Award in this case as the concerned workman involved in this dispute has already been regularised. No objection raised on the side of the management in view of the prayer made by the Ld. Advocate for the workman. When the concerned workman has already been regularised in view of submission made by his representative, and when he is not willing to proceed with the hearing of this case, a 'No dispute' Award is passed in this reference presuming non-existence of any Industrial Dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 21 मार्च, 2006

का. आ. 1502.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सब डिवीजनल इंजीनियर (कोएक्सियल मेन्टीनेन्स) के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 9/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-03-2006 को प्राप्त हुआ था।

[सं. एल-40012/316/2001-आई आर (डी.यू.)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 21st March, 2006

S.O. 1502.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 9/2002) of the Central Government Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Sub Divisional Engineer (Coaxial Maintenance) and their workman, which was received by the Central Government on 21-03-2006.

[No. L-40012/316/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

Shrikant Shukla, Presiding Officer

I. D. No. 9/2002

Ref. No. L-40012/316/2001-IR (DU) Dt. 29-1-2001

BETWEEN

Sri Suresh Lal through Ram Kumar Tripathi,
Distt. Convenor, Hind Mazdoor Sabha,
461, Khirmibagh, Shahjahanpur (U.P.) 242001

AND

General Manager (Maintenance)
BSNL, B-1 Nirala Nagar,
Lucknow.

- 2 Sub Divisional Engineer
Telephone Exchange Premises
Shahjahanpur. (after amendment of order)
Sub Divisional Engineer (Coaxial Maint)
Telephone Exchange Premises
Shahjahanpur-242001

AWARD

The Government of India, Ministry of Labour referred the following dispute for adjudication No. L-40012/316/2001-IR (DU) dt. 29-1-02 as amended vide order No. L-40012/316/2001/IR (DU) dt. 12-4-2002 to Presiding Officer, CGIT-cum-Labour Court, Lucknow :

SCHEDULE

"Whether the action of the Sub Divisional Engineer (Coaxial Maintenance) Telephone Exchange Premises, Shahjahanpur in terminating the services of Sh. Suresh Lal S/o. Puttu Lal Sweeper w.e.f. 19-6-99 is Just and Legal ? If not to what relief the workman is entitled ?"

The case of Sri Suresh Lal in brief is that he employed as Safaikarmkar in Maintenance Exchange compunt, Shanjahanpur and continuously worked till his termination w.e.f. 19-6-99. It is alleged that he was employed during 1-1-84 to 31-8-94 on part time basis for 6 hours a day and thereafter he was engaged w.e.f. 1-1-94 till 19-6-99 for 8 hours a day. It is further alleged that he was paid as daily wager but was paid monthly. It is further alleged that he was not given any notice before his termination nor was given any reason. It is also alleged that the opposite party has not paid the wages for 19 working days. Worker has therefore prayed to set aside the order in favour of the workman, and requested for reinstatement with back wages.

Worker has filed photo copies of the following documents :

1. Identity Card
2. Details of working days from Jan. 84 to Sept. 89, July 97 to April 99.

The opposite party has filed written statement through Sub Divisional Officer, Coaxial Mtce (VF) Bareilly in which it has been admitted that the workman was engaged as part time sweeper during 1-1-84 to 30-9-87 on casual basis and was being paid remuneration on ACG 17. The payment on ACG 17 is made to the casual labour engaged on temporary basis for the work of temporary nature. Regarding submissions of photocopy of the Identity Card alongwith statement of claim, the opposite party has submitted that the said is issued to the workman for allowing him to discharge his work according to the hours of engagement. However, on the basis of Identity Card it cannot be said that the workman was regularly appointed in the department. It is further submitted that the worker

abandoned his work without assigning any reason after 30-9-97. Thereafter workman was again engaged from 1-11-90 to 30-8-90 as Sweeper for 6 hours every day from Sept. 1994 to 21st May 1999 he was employed for 8 hours every day. The workman again on 31-5-99 abandoned his duties as Sweeper without assigning any reason and thereafter he did not discharge his work. Workman always got the payment on part time work on ACG 17 which shows the engagement of the workman purely on casual basis and he had not worked on mustor roll at any point of time. It is emphasised that after 31-5-99 the workman had himself abandoned his duties as Sweeper. After creation of Bharat Sanchar Nigam Ltd. w.e.f. 1-10-2000, no casual labour has been engaged or regularised as per policy decision. It is emphatically denied that the workman was ever terminated by the employer as the workman himself abandoned his duties after 31st May 1999. The workman on 1-3-01 gain contacted the employer for his engagement but due to complete ban on casual labours after creation of BSNL the employer refused to re-engage the workman as casual labour. Since workman was never terminated by the employer therefor no industrial dispute exist between workman and employer and the reference is not correct. In view of aforesaid fact the claim of the workman against the alleged termination of the service is devoid of merit and is liable to be dismissed.

Worker has examined himself and the opposite party has examined Sri A. K. Srivastava.

Worker's representative have not turned up in the circumstances heard representative of the opposite party alone and the worker.

There is no dispute about employment of worker w.e.f. Sept. 19, 1994 to 31st May 1999. It is admitted to the opposite party that the worker was employed as daily wager from Sept. 19, 1994 to 31st May 1999 for 8 hours every day. It is also not denied that worker did work w.e.f. 1-1-84 to 30-9-87. The point of adjudication is whether worker was terminated w.e.f. 19-6-99 or worker himself deserted the employment after 31-5-99.

In cross examination at page No. 4 the question was asked to the worker and the answer was given by the worker is material which is reproduced below :

प्र. क्या यह सही है कि 1 जून 1999 के बाद मैं कभी टेलीफोन एक्सचेंज में कार्य करने नहीं गया ?

उ. 1 जून 99 के बाद मैं गया। 19 जून तक काम किया, उसका पैसा मुझे नहीं मिला।

Worker has also stated that he has worked more than 240 days in every year.

On the other hand Sri A. K. Srivastava, SDO has stated that the worker did not turned up for the work after 31-5-99 although the message was sent to him but the worker

It is stated that Sri A. K. Srivastava that Sri Suresh Lal turned up after March 2001 seeking the work but in the meantime the Department of Telecom, Govt. of India was converted in BSNL and therefore due to ban on the engagement of casual labours the worker was not engaged and the present work of sweeping is taken through the contractor.

It is noteworthy that the representative of the worker neglected the case and did not turned up for cross examination of Sri A. K. Srivastava. The worker himself told that he is not educated person and therefore he is not been able to file written adjournment application and therefore the case was adjourned to 25-10-04. On 25-10-04 worker remained absent and representative of the worker has also not turned up. It is also note worthy on 4-6-03 that the worker examined but his representative never bothered to come to the court. In the circumstances I am of the considered of the opinion that the worker is not been able to get the assistance of his representative. I have therefore come to the conclusion ;

1. That the worker was continuously employed from Sept. 94 to 19th June 1999 and thereafter his services were terminated by S. D. O. Sri A. K. Srivastava.
2. That the worker has not been paid wages w.e.f. 1-6-99 to 19-6-99 and that is reason for the management to say that the worker did not performed his duties w.e.f. 1-6-99 as there is no proof of payment for that period.

It is also admitted fact that worker did pursue for the job thereafter which was denied to him.

It is also not disputed that the worker did work more than 240 days in every calendar year.

In the circumstances even if it is proved that the worker was not continuous in service from 1-1-84 to 19-6-99 it is of no consequence.

It is not proved by the opposite party that the worker was given notice before his retrenchment. The termination order therefore stands illegal and consequence is that the worker will be entitled to reinstatement. Worker is also entitled from the salary from 1-6-99 to 19-6-99. From the own document of worker it is evident that the worker was being paid Rs. 98.60 per day in April 1999. In the present days the unskilled labour easily earned Rs. 60 to 80 per day. In the circumstances the worker could have availed alternative employment by employing himself as unskilled labour. Therefore I am of the considered opinion that the worker was not be entitled to full back wages instead it is sufficient to conclude that the worker is entitled to 25% of daily wages which he ought to have earned after 19-6-99 till his reinstatement.

Issue therefore is answered in negative against the opposite party in favour of the workman. The worker is entitled to get relief as mentioned above.

Lucknow SHRIKANT SHUKLA, Presiding Officer
13-3-2006

नई दिल्ली, 22 मार्च, 2006

का. आ. 1503.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. सी. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 7/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-03-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई. आर. (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 22nd March, 2006

S.O. 1503.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workmen, which was received by the Central Government on 22-03-2006

[No. L-22013/1/2006-IR(C-ID)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 10th day of February, 2006

INDUSTRIAL DISPUTE L.C. I D. No. 7/2004

BETWEEN:

Sri E. Venkatadri,
C/o Smt. S. A. Sarojana,
4-5-592, Near Badichowdi,
Veg. Market, Kutbiguda,
Hyderabad-27.

... Petitioner

AND

The General Manager,
Srirampur (Project) Area,
Srirampur,
Adilabad District.

... Respondent

APPEARANCES:

For the Petitioner : M/s. S. A. Sarojana &
K. Vasudeva Reddy,
Advocates

For the Respondent : M/s. K. Srinivasa Murthy,
V. Umadevi, S. Vijay
Venkatesh & C. Vijaya
Sekhar Reddy, Advocates

AWARD

This is a petition filed by Sri E. Venkatadri against the Respondent under Sec. 2A(2) of Industrial Disputes Act, 1947 seeking relief to set aside the impugned dismissal order dated 27-7-2000 directing the Respondent to reinstate his services with back wages and other attendant benefits.

2. This petition was taken under Sec. 2A (2) of the I. D. Act, 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W. P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

3. It is submitted that the Petitioner was appointed as a badli filler in the Respondent Organisation on 3-5-96 and posted to work on R. K. New Tech. Incline. While working he was chargesheeted dated 23-2-99 for alleged misconduct under the company's Standing Orders No. 25.25 and an enquiry was conducted without giving opportunity with a predetermined notion as if the Petitioner was guilty of the charges. It was alleged that the Petitioner could not attend to his duties due to sickness and that he submitted medical certificate about his sickness and the same was not considered by the Enquiry Officer and submitted report holding that charge of misconduct is proved. The Disciplinary Authority has issued order of dismissal dated 27-7-2000.

4. The Respondent filed the counter and denied the averments made in the petition pleaded that the Petitioner has not approached the labour officer and no conciliation proceedings were held and straight away filed the present petition under the State amendment whereas the appropriate government for Respondent is central government. It is further submitted that the Petitioner was issued chargesheet as he was habitually absent for 204 days during the year 1998 which amounts to misconduct under the Company's Standing Orders and due enquiry was conducted giving ample opportunity to the Petitioner observing the principles of natural justice. The Petitioner has not filed any medical certificate about his sickness as alleged. Further it is mandatory that the Petitioner should report before the company hospital for his sickness and further contended that the Petitioner has put musters only 103 in the year 1996, and 84 in the year 1997 and 26 in 1998 and only 8 upto July, 1999.

5. The Petitioner's counsel conceded that the domestic enquiry conducted by the Respondent is valid on 2-8-2004.

6. Arguments are heard on both side under Sec. 11A of Industrial Disputes Act, 1947.

7. The Learned Counsel for the Petitioner contended that there is no sufficient evidence to conclude that the Petitioner is guilty of misconduct for habitual absenteeism and further contended that the Petitioner was appointed on compassionate grounds and that he is sole bread winner of his family and the punishment of removal is disproportionate to the gravity of the charges.

8. On the other hand, the Learned Counsel for the Respondent contended that the Petitioner has absented himself from duty without leave on several occasions and could not put in minimum musters and the punishment is commensurate with the gravity of the charges.

9. The Petitioner was chargesheeted for his absenteeism. It was alleged in the chargesheet that he was absented for 204 days in the year 1998 and further alleged that he was in the habit of absenting from duty without leave or permission which amounts to misconduct under Company's Standing Orders 25.25. The Petitioner has filed his explanation to the chargesheet that he was appointed on compassionate grounds as his father was became medically unfit due to ill-health and subsequently died and admitted in his explanation that he was not attending to his duty regularly in the year 1998. The Enquiry Officer has examined Sri A. Rajababu who maintains the pay sheets of the workers. He deposed that the Petitioner was absented for 204 days without sanctioned leave or prior permission and further he has no leave to his credit as he was also not regular in the previous years. He filed record to that effect. The Petitioner was given opportunity to cross-examine the witness. The Petitioner has pleaded before the Enquiry Officer that he has got large family dependent on him and request to give one more chance by taking sympathetic view. The Petitioner was issued with a show cause notice along with the report of the Enquiry Officer by the Disciplinary Authority.

10. Under Sec. 11A of the Industrial Disputes Act, 1947 this tribunal has got power to interfere with the punishment imposed by the employer. Further the said power is subject to the restriction to consider the case only on the basis of the material on record and this tribunal has got power not only to set aside the order of the Disciplinary Authority but it can also impose lesser punishment if the circumstances warrant. It has to be seen whether the conclusions arrived by the Enquiry Officer are justified regarding the proving of the charge. The evidence collected by the Enquiry Officer shows that the Petitioner absented himself from duty without sanction of leave or permission and pay sheets filed by the witness corroborates

his evidence. The Petitioner also not disputed regarding his absence. Though the Petitioner has pleaded that he has filed medical certificates regarding his sickness, he could not substantiate the same. The Enquiry Officer rightly held that the charge of misconduct proved on the basis of the evidence on record. I do not see any ground to interfere with the findings of the Enquiry Officer.

11. It has to be seen whether the punishment of removal is disproportionate to the gravity of the charge. Petitioner is aged about 27 years and he was appointed on compassionate grounds and he is the sole bread winner of his family and further he has to support his family and also made a representation to work properly in future before the Disciplinary Authority. The punishment that has already undergone by the Petitioner is sufficient and he should be given one more chance in the interest of justice by way of reappointment with certain conditions which are as follows: (1) his services from the date of his dismissal (i.e., 27-7-2000) till he is reinstated shall not be counted for any purpose including retirement benefits, (2) the Petitioner shall be re-appointed as a badli filler on a minimum starting pay scale within two months from the publication of this award, (3) the Petitioner should put in minimum musters with 3 consecutive years and then only he may be considered for regularization and (4) if the Petitioner fails to put in minimum muster rolls for 3 consecutive years the Respondent Management is at liberty to take any appropriate action including the dismissal from service after conducting due enquiry.

Award passed accordingly. Transmit.

Dictated to Smt. K. Phani Gowri, P. A. transcribed by her corrected and pronounced by me on this the 10th day of February, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
Nil	Nil

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 मार्च, 2006

का. आ. 1504.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल इन्स्टीट्यूट ऑफ इन्डस्ट्रियल इंजीनियरिंग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, मुम्बई के पंचाट (संदर्भ संख्या 35/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-03-2006 को प्राप्त हुआ था।

[सं. एल-42012/190/2001-आई. आर. (सी. एम.-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 22nd March, 2006

S.O. 1504.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Mumbai No. 1 as shown in the Annexure in the Industrial Dispute between the management of National Institute of Industrial Engineering and their workmen, which was received by the Central Government on 22-03-2006.

[No. L-42012/190/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

PRESENT:

Justice Ghanshyam Dass, Presiding Officer

Reference No. CGIT-35 of 2003

PARTIES:

Employers in relation to the management of National Institute of Industrial Engineering.

AND

Their workmen.

APPEARANCES:

For the Management : Mr. Nathani, Adv.

For the workman : Absent.

State : Maharashtra

Mumbai dated the 14th day of February, 2006

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) vide Government of India, Ministry of Labour, New Delhi, Order No. L-42012/190/2001(IR)(CM-II) dated 10-7-2003. The terms of reference given in the schedule are as follows:

"Whether the action of the management of National Institute of Industrial Engineering (i.e. NITIE) in compulsory retiring Sh. Govind R. Chavan w.e.f. 21-8-2000 is legal and justified? If not, to what relief the workman is entitled?"

2. Shri Govind R. Chavan (hereinafter referred to as workman) being employed as Attendant (Group 'D' Post) with the National Institute of Industrial Engineering (hereinafter referred to as NITIE) was charge sheeted on 28-2-2000 for misconduct for misappropriation of funds by

submitting false and bogus reimbursement claims for the treatment of his wife. The domestic enquiry commenced on 22-3-2000 and concluded on 30-6-2000. The Enquiry Officer submitted its report dated 10-8-2000. The workman was issued a show cause notice by NITIE on 21-8-2000. The workman replied to that notice on 30-8-2000. The punishment order for dismissal of service was passed on 20/25-9-2000. The workman preferred the appeal against that order and the Appellate Authority converted the punishment of dismissal into Compulsory retirement.

3. The workman filed his Statement of claim dated 5-12-2003 stating the facts in detail and asserting that the domestic enquiry is not just and fair and not in accordance with the principle of natural justice. The explanation offered by the workman from time to time were not being considered. In fact, the workman himself was treated by the Doctors at Masina Hospital where the treatment of his wife was done.

4. The NITIE filed the written statement dated 27-2-2004 stating out the facts in detail and alleging therein that the workman had submitted an estimate of expenditure for the treatment of his wife to the tune of Rs. 2,00,000 against which a sum of Rs. 1,60,000 was granted as advance. Thereafter, the workman submitted the medical bills for reimbursement to the tune of Rs. 6,40,323.60. The enquiry revealed that those medical bills were bogus and inflated. The workman himself received a sum of Rs. 1,27,365.05 as refund from Masina Hospital against the advance payment for Rs. 1,60,000 by the NITIE to the Hospital directly. The domestic enquiry was held as per principle of natural justice. The Enquiry Officer submitted the report. The workman was given each and every opportunity. The workman was first awarded the punishment of dismissal by the Competent Authority but it was converted to Compulsory retirement by the Appellate Authority after hearing the workman which was willingly accepted and in fact the workman had thanked in writing for it. He has received all the retiral benefits.

5. The workman filed his affidavit in lieu of his examination in chief on 18-6-2004 in support of his averments made in his Statement of claim but he failed to appear since then before this Tribunal. He failed to offer himself for cross-examination by the other side. The NITIE filed the affidavit of Mrs. Swapnali Gadekar, Assistant Register (Admn) in lieu of her examination in chief. She proved the relevant documents, enquiry proceedings, the report of the Enquiry Officer and the punishment awarded to the workman.

6. The workman was issued notice by this Tribunal for hearing of this reference on 3-1-2006. The workman was served with the registered post personally, but he did not appear to contest the reference. Hence, hearing proceeded ex parte.

7. The evidence available on record makes it clear that the domestic enquiry has been conducted in

accordance with principle of natural justice. Every opportunity is being offered to the workman to contest the domestic enquiry. A show cause notice was issued to the workman before enforcing punishment on the report of the Enquiry Officer. The workman was again heard by the Appellate Authority before passing the final punishment for compulsory retirement instead of dismissal awarded earlier by the Competent Authority. I do not find anything worth for which it may be observed that the report of the Enquiry Officer is not based on evidence available on record. The findings arrived at by the Enquiry Officer are just and proper. The punishment has been awarded with leniency in accordance with the law and that does not appear to be disproportionate at all to the charge of misconduct. Hence, I conclude that the action of the Management of NITIE in compulsorily retiring the workman is legal and justified. The workman is not entitled to any relief.

8. The Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 22 मार्च, 2006

का. आ. 1505.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल इन्स्टीट्यूट आफ टूल डिजाइन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 139/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-03-2006 को प्राप्त हुआ था।

[सं. एल-42012/252/2003-आई. आर. (सी. एम.-II)]
अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd March, 2006

S.O. 1505.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 139/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Central Institute of Tools Design, CITD, and their workmen, which was received by the Central Government on 22-03-2006

[No. L-42012/252/2003-IR(CM-ID)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD

PRESENT:

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 1st day of March, 2006

Industrial Dispute No. 139/2004

BETWEEN:

Sri Syed Yakub,
H. No. 17-26, Gurumurthynagar,
Opp. IDPL Colony,
Hyderabad-500037. ... Petitioner

AND

- (1) The Director,
Central Institute of Tools Design,
Balanagar,
Hyderabad.
- (2) Sri G. Mohan Reddy,
Contractor,
Central Institute of Tools Design,
Balanagar,
Hyderabad. ... Respondents

APPEARANCES:

For the Petitioner : NIL

For the Respondent : 1. M/s. C. Niranjana Rao, M.
Subrahmanya Sastry & L.
Chandra Mohan Reddy,
Advocates for R1.
2. M/s. K. P. Jagan Reddy,
K. Jyothi and C. Rajeshwar
Reddy, Advocates for R2.

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/252/2003-IR (CM.-II) dated 2-8-2004 referred the following dispute under Section 10(1)(d) of the I. D. Act, 1947 for adjudication to this Tribunal between the management of Central Institute of Tools Design and their workman. The reference is,

SCHEDULE

"Whether the contract awarded by the Management of Central Institute of Tools Design, Balanagar, Hyderabad to M/s. Mohan Reddy is sham or not? If so, the demand of Sh. Syed Yakub for reinstatement in the establishment of Central Institute of Tools Design, Balanagar, Hyderabad is justified? If so, to what relief the workman is entitled to?"

The reference is numbered in this Tribunal as I. D. No. 139/2004 and notices were issued to the parties.

2. Inspite of service of notices Petitioner called absent. Three notices returned unserved stating no such person available. Service deemed to be sufficient. In view of the circumstances, 'NIL' Award is passed. Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this 1st day of March, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner Witnesses examined for the Respondent

Nil

Nil

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 मार्च, 2006

का. आ. 1506.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल इन्स्टीट्यूट आफ टूल डिजाइन के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 138/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-03-2006 को प्राप्त हुआ था।

[सं. एल-42012/251/2003-आई. आर. (सी. एम.-II)]
अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 22nd March, 2006

S.O. 1506.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 138/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Central Institute of Tools Design (CITD), and their workmen, which was received by the Central Government on 22-03-2006

[No. L-42012/251/2003-IR(CM-II)]
AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

PRESENT:

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 1st day of March, 2006

Industrial Dispute No. 138/2004

BETWEEN:

Sri Mohd. Abdul Aziz,
R/o H. No. 7-1-308/A/21,
Near Masjid, B. K. Guda,
S. R. Nagar,
Hyderabad-500038. ... Petitioner

AND

(1) The Director,
Central Institute of Tools Design,
Balanagar,
Hyderabad.

(2) Sri G. Mohan Reddy,
Contractor,
Central Institute of Tools Design,
Balanagar,
Hyderabad.

... Respondents.

APPEARANCES:

For the Petitioner : NIL

For the Respondent : 1. M/s. C. Niranjan Rao, M.
Subrahmanya Sastry & L.
Chandra Mohan Reddy,
Advocates for R1.
2. M/s. K. P. Jagan Reddy,
K. Jyothi and C. Rajeshwar
Reddy, Advocates for R2.

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/251/2003-IR (CM-II) dated 2-8-2004 referred the following dispute under Section 10(1)(d) of the I. D. Act, 1947 for adjudication to this Tribunal between the management of Central Institute of Tools Design and their workman. The reference is,

SCHEDULE

"Whether the contract awarded by the Management of Central Institute of Tools Design, Balanagar, Hyderabad to M/s. Mohan Reddy is Sham or not? If so, the demand of Sh. Md. Abdul for reinstatement in the establishment of Central Institute of Tools Design, Balanagar, Hyderabad is justified? If so, to what relief the workman is entitled to?"

The reference is numbered in this Tribunal as I. D. No. 138/2004 and notices were issued to the parties.

2. In spite of service of notices Petitioner called absent. Service is sufficient. In view of the circumstances, 'Nil' Award is passed, Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 1st day of March, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
--	--

Nil

Nil

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 मार्च, 2006

का. आ. 1507.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल इन्स्टीट्यूट ऑफ टूल्स डिजाइन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 136/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-03-2006 को प्राप्त हुआ था।

[सं. एल-42012/249/2003-आई. आर. (सी. एम.-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd March, 2006

S.O. 1507.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 136/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Central Institute of Tools Design, (CITD), and their workmen, which was received by the Central Government on 22-03-2006

[No. L-42012/249/2003-IR(CM-ID)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 1st day of March, 2006

Industrial Dispute No. 136/2004

BETWEEN:

Sri Deshpandy,
H. No. 5-258,
Chintal HMT Road,
Hyderabad-500054.

... Petitioner

AND

(1) The Director,
Central Institute of Tools Design,
Balanagar,
Hyderabad.

(2) Sri G. Mohan Reddy,
Contractor,
Central Institute of Tools Design,
Balanagar,
Hyderabad.

... Respondents

APPEARANCES :**For the Petitioner** : NIL**For the Respondent** : 1. M/s. C. Niranjan Rao, M. Subrahmanya Sastry & L. Chandra Mohan Reddy, Advocates for R1.

2. M/s. K. P. Jagan Reddy, K. Jyothi and C. Rajeshwar Reddy, Advocates for R2.

AWARD

The Government of India, Ministry of Labour by its order No. L-42012/249/2003-IR (CM. II) dated 2-8-2004 referred the following dispute under Section 10(1)(d) of the I. D. Act, 1947 for adjudication to this Tribunal between the management of Central Institute of Tools Design and their workman. The reference is,

SCHEDULE

“Whether the contract awarded by the Management of Central Institute of Tools Design, Balanagar, Hyderabad to M/s. Mohan Reddy is sham or not? If so, the demand of Sh. Deshpandya for reinstatement in the establishment of Central Institute of Tools Design, Balanagar, Hyderabad is justified? If so, to what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I. D. No. 136/2004 and notices were issued to the parties.

2. In spite of service of notices Petitioner called absent. Service is sufficient. In view of the circumstances, ‘NIL’ Award is passed. Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 1st day of March, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
--	--

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 मार्च, 2006

का. आ. 1508.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध

में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 277/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-3-2006 को प्राप्त हुआ था।

[सं. एल-22012/341/2001-आई आर (सी एम-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 22nd March, 2006

S.O. 1508.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 277/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of M/s Singareni Collieries Company Limited, and their workmen, which was received by the Central Government on 22-3-2006

[No. L-22012/341/2001-IR(CM-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

PRESENT L

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 2nd day of March, 2006

Industrial Dispute No. 277/2002**BETWEEN:**

Sri Lingam Rajaiah,
S/o Sri Kistaiah,
H.No. 12-180,
Gouthaminagar,
Mancherla-504208.

... Petitioner

AND

The General Manager,
M/s. Singareni Collieries Co. Ltd.,
Ramakrishnapur Division,
Ramakrishnapur-504301.

... Respondent

APPEARANCES**For the Petitioner** : M/s A Sarojana & K. Vasudeva Reddy, Advocates**For the Respondent** : M/s. K. Srinivasa Murthy & S.R. James, Advocates**AWARD**

The Government of India, Ministry of Labour by its order No. L-22012/341/2001-IR (CM. II) dated 14-8-2002 referred the following dispute under Section 10(1)(d) of the

I.D. Act, 1947 for adjudication, this dispute is between the employers in relation to the management of M/s. Singareni Collieries Co. Ltd., and their workman. This reference was registered as Industrial Dispute No. 277/2002 and notices were issued to the parties.

2. This is a reference made by the central government under sub-section 2A of Sec. 10 of Industrial Disputes Act, 1947 to adjudicate the dispute between the Petitioner Sri Lingam Rajaiah and the Respondent management M/s. Singareni Collieries Co. Ltd.

SCHEDULE

“Whether the action of the management of M/s. Singareni Collieries Co. Ltd., Ramakrishnapur Division in dismissing the services of Sri Lingam Rajaiah, Coal Filler, RK-3 Inc. Ramakrishnapur with effect from 29-4-2000 is justified? If not, to what relief is the workman entitled?”

3. Prior to this reference the Petitioner raised a dispute by filing an application u/s 2A(2) of Industrial Disputes Act, 1947 to set aside the impugned order of dismissal by the Respondent Company on the file of this tribunal in LCID 86/2002. In view of the reference made by the central government the Petitioner filed a memo to permit him to withdraw the case with liberty to prosecute the present case. He was permitted accordingly and an award to that effect was passed on 5-11-2002 and transferred the documents to this case.

4. The Petitioner filed his claim statement stating that he was initially appointed on 25-1-1983 in the Respondent Company and he was awarded as best coal filler during the year 1997 and further he was Vice President of HMS Union and used to represent the grievances of the workers. He was issued a chargesheet dated 15-10-97 by the Respondent Management alleging that he instigated the coal fillers to go on strike on 13-10-97, second shift and also participated in the strike causing a loss of 154 tons of coal and wages of Rs. 39,000 to the workers. The Petitioner submitted his explanation but the Respondent without considering the same enquiry was ordered and the Petitioner was not given an opportunity during enquiry and the Enquiry Officer submitted his report holding that the charges are proved. On the enquiry report the Disciplinary Authority has issued show cause notice and subsequently passed order of dismissal dated 29-4-2000. An appeal filed by the Petitioner was also dismissed in arbitrary manner violating the principles of natural justice. It is further submitted that Petitioner was not supplied the documents relied by the Respondent during the enquiry and the Respondent ought to have seen that the Petitioner only represent the genuine grievances of the workman and the same cannot be treated as demands or arguments much less misconduct.

5. The Respondent filed the counter and denied the averments made in the claim statement and pleaded that Petitioner was charged for instigation of strike previously and he was dismissed from service. However, on the directions given by the tribunal in its award, he was reinstated into service. The Petitioner is habituated to create problems and failed to mend his ways. It is further submitted that on 13-10-97 in the second shift, the Petitioner organized and instigated his colleague coal fillers to go on strike demanding withdrawal of warning letters issued to the coal fillers for not fillings two tubes thereby causing a loss of 154 tons in that shift. Domestic enquiry was conducted and Petitioner was given fair opportunity during enquiry and it was found that charge against the Petitioner was proved. The Disciplinary Authority considering the enquiry report has dismissed him by issuing show cause notice. The appeal filed by the Petitioner was also dismissed giving detailed reasons.

6. This Tribunal has passed orders on the preliminary issue regarding the validity of the domestic enquiry on 8-9-2003 holding that the enquiry conducted by the Management is valid and the Petitioner was given an opportunity to defend himself and the Enquiry Officer followed the principles of natural justice.

7. Arguments of the both parties heard under Sec. 11A of the Industrial Disputes Act, 1947.

8. The Learned Counsel for the Petitioner argued that inspite of submitting detailed explanation to the chargesheet, an enquiry was conducted without considering the representation and the Enquiry Officer proceeded with a preconceived notion as if the Petitioner is guilty of the charges and it is further contended that material on record does not show that the Petitioner has instigated and participated in the strike and further contended that subsequent to the issue of chargesheet dated 15-10-97, written complaints were obtained from the witnesses which are marked and Ex. 4 and 5 during the enquiry and further management witness (MW3) was treated as hostile witness and subjected to cross-examination which is unknown in the departmental enquiry and further contended that the Enquiry Officer has concluded that the charges are proved against the Petitioner merely some of the witnesses have stated that the Petitioner has demanded to withdraw the warning memos issued to the coal fillers and unless those letters were taken back they are not going down the mine for work. It is further contended that punishment of the dismissal is disproportionate to the gravity of charges and the Petitioner is the sole bread winner of his family.

9. On the other hand Learned Counsel for the Respondent contended that a fair and proper enquiry was conducted against the Petitioner and the conclusions drawn by the Enquiry Officer are based on the evidence recorded during the enquiry and Petitioner has not shown

anything that he was prejudiced on account of declaring the witness hostile and further contended that if the Petitioner is aggrieved by the issue of warning letters to his co-workers, there is a procedure for ventilating the grievances and issue can be settled amicably but instead of choosing that procedure the Petitioner has instigated for illegal strike causing loss of production and loss of wages to other workers.

10. The chargesheet against the Petitioner is that on 13-10-97 he has been booked "in" muster in the second shift and that he approached the Under Manager instead of going down the mine for work and demanded for withdrawal of warning letters issued to the coal fillers and discussed with him and informed him that unless the warning letters are withdrawn he will not allow anyone to go down the mine and also expressed that even if the coal fillers will not fill two tubes the Management has to take the account and should not initiate any action. The Petitioner was charged for misconduct under Company's Standing Orders 25(3), 25(11), 25(23) for wilful insubordination and disobedience, going on illegal strike and wilful and deliberate act which subversive of discipline.

11. During the enquiry the Enquiry Officer has examined 6 witnesses on behalf of the Management as MW1 to MW6 and two witnesses on behalf of the Petitioner DW1 and DW2. The Petitioner was given an opportunity to cross-examine the witness and further the Petitioner was defended by his co-worker. The evidence adduced by the Management during the enquiry discloses that MW2 was Under Manager on duty and, that on 13-10-97 in the second shift at time 3.30 PM. Petitioner approached him along with other coal fillers who were served warning letters on 8-10-97 and demanded that the warning letters should be withdrawn and expressed that unless withdrawn they will not go down the mine. On that MW2 has sent a messenger to SOM. The SOM came to pit mouth and tried to subsidize the matter but the Petitioner reiterated the demand. The efforts made by the SOM to pursue the workers to go down the mine are in vain. As such lock-out was declared on 4.30 PM by displaying lock-out notice. Even after the lock-out Petitioner and other workmen were persuaded to go down the mine as there was half an hour time. But the coal fillers did not go down. MW3, MW4 has stated that when he distributed the slips to the workmen, Petitioner asked him to call the Manager as he wanted to talk with him. He also saw discussions between the Petitioner and the Manager at the latter's room. After the failure of the efforts made by the SOM lock-out was declared.

12. The contention of the Learned Counsel for the Petitioner that demanding for withdrawal of warning letters will not amount to instigation of strike and further there is no direct evidence that the Petitioner has instigated other coal fillers to go on strike. It should be noted that the Petitioner has completely denied the charge about the

discussion and demand for withdrawal of the warning letters on behalf of the coal fillers. The evidence on record shows that the Petitioner on behalf of other workers has discussions with Under Manager asking him to withdraw the warning letters given to the coal fillers and further the Petitioner has expresses that unless the warning letters were withdrawn the coal fillers would not go down the mine. Admittedly the coal fillers did not go down the mine for work. The preponderance of the probabilities only shows the involvement of the Petitioner that he represented on behalf of workers and discussed with the Under Manager and demanded for withdrawal of the warning letters failing which he has threatened to go on strike. It should be noted that the Under Manager and the SOM has persuaded the workers that the warning letters were given for improvement of production and the matter can be discussed after working hours. If there is any grievance regarding the issue of warning letters to the workers there is a procedure for ventilating their grievances and the matter could have been settled amicably and there is no need to struck up work causing loss of production and loss of wages to other workers. The material on record shows that the Petitioner's involvement, that he instigated strike causing loss to the production and wages for the workers. On account of the misconduct Respondent Management has declared lock-out. On account of a strike necessarily there will be a loss to the production and loss of wages to the workers. The Enquiry Officer as well as the appellate authority have given reasons regarding conclusions arrived at in respect of the proving of charges.

13. The contention of the Learned Counsel that the punishment is disproportionate to gravity of the charges is untenable. It should be noted that the Petitioner was dismissed for instigating strike previously and was reinstated on account of the award passed by the Tribunal. Further, I do not see any mitigating circumstances for reduction of the punishment. In view of the circumstances the petition is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant, transcribed by her, corrected and pronounced by me, on this the 2nd day of March, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner :	Witnesses examined for the Respondent :
--	--

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

Ex.M1 : Copy of chargesheet

Ex.M2 : Enquiry proceedings

Ex.M3 : Enquiry report

नई दिल्ली, 22 मार्च, 2006

का. आ. 1509.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 55/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-3-2006 को प्राप्त हुआ था।

[सं. एल-22013/1/2006-आई आर (सी-II)]

अजय कुमार गौड़, डैस्क अधिकारी

New Delhi, the 22nd March, 2006

S.O. 1509.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 55/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. SCCL and their workman, which was received by the Central Government on 22-3-2006

[No. L-22013/1/2006-IR(C-ID)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
AT HYDERABAD**

PRESENT:

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 28th day of February, 2006

Industrial Dispute L.C.I.D. No. 55/2004

BETWEEN:

Sri Santi Anjaiah,
R/o Q. No. 613,
Power House Colony, Godavarikhani,
Karimnagar District. Petitioner

AND

The Chief General Manager,
M/s. Singareni Collieries Co. Ltd.,
Ramagundam Area-I, Godavarikhani,
Karimnagar District. Respondent

APPEARANCES

For the Petitioner : M/s. K. Ajay Kumar, M. Govind &
Smt. Sudha, Advocates

For the Respondent : Sri K. Srinivasa Murthy, Advocate

AWARD

This is a case taken under Sec. 2A(2) of the I.D. Act, 1947 in view of the judgement of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

2. The Petitioner Sri S. Anjaiah filed this petition against the Management of M/s. Singareni Collieries Co. Ltd., Godavarikhani regarding deletion of his name from the Company's rolls w.e.f. 6-7-2003 by an office order dated 5-7-2003.

3. The Petitioner Sri Anjaiah submitted that he joined the service of the Respondent Company on 28-1-78 as badli filler and subsequently promoted as a coal filler in the year 1979 and that he worked continuously to the satisfaction of his superiors till he was dismissed from service by order dated 5-7-2003. While discharging his duties he met with an accident and sustained fracture of his right hand bone and that he was treated in the Company's hospital and a steel rod was placed in his hand and that he became permanent partial disabled person. The Petitioner submitted a representation to the Respondent to provide him suitable alternative job explaining the difficulties in performing his duties. But the Respondent did not dispose of his representation or provided him suitable job. He could not attend duties due to the said disability. As such he was issued a chargesheet for his absenteeism which amounts to unfair labour practice and he further submitted that he filed his explanation to the charge sheet dated 15-8-2001 and without considering his explanation stage-managed enquiry was conducted without giving reasonable opportunity to participate in the enquiry, in violation of the principles of natural justice. It is further submitted that the Enquiry Officer concluded in his enquiry without appraising the material on record holding the charges are proved.

4. It is further submitted that he was issued second chargesheet dated 18-3-2002 alleging unauthorized absence and that he submitted his explanation. But the Enquiry Officer held a stage-managed enquiry in violation of the principles of natural justice and held that the charges are proved. Further the Enquiry Officer Mr. M. Rajendra Kumar failed to explain the proceedings of enquiry in Telugu and the punishment is disproportionate to the gravity of charges.

5. The Respondent Management filed its counter and denied the averments made in the petition and pleaded that the date and place of the accident was not disclosed

by the Petitioner and also denied about the representation made by the Petitioner for providing the suitable job on account of his alleged disability in performing the duties of the coal filler. It is further submitted that Petitioner has worked only for 59 days during the calendar year 2000 for which he was issued with a chargesheet dated 15-2-2001 and enquiry was ordered. On considering the explanation given by the Petitioner and that during the enquiry the Petitioner admitted his guilt of his unauthorized absenteeism and that the Petitioner submitted his representation dated 29-10-2001 requesting the Management to give three months time to improve his work performance and attendance as such he was given a chance for the survival of his family. As such no disciplinary action was taken. It is further submitted that the Petitioner did not improve his performance and he had put in only 18 actual musters during the calendar year of 2001 for which a chargesheet was issued dated 18-3-2002 under company's standing orders 25.25 which reads, for his habitual absenteeism'. The Petitioner has submitted his explanation dated 26-4-2002 which was found to be unsatisfactory. An enquiry was ordered and the Petitioner has participated in the enquiry and admitted the charges levelled against him and pleaded guilty and pleaded that he could not attend duty due to ill-health and personal problems. But the Petitioner did not file any record to substantiate his plea of ill-health. The Enquiry Officer held that the charges against the petitioner were proved and submitted his report to the Disciplinary Authority. The Disciplinary Authority has given a show cause notice for which the Petitioner did not give any reply and the Petitioner was dismissed from service w.e.f. 6-7-2003.

6. This Tribunal held on 27-12-2004 that the domestic enquiry held against the Petitioner is valid and the Petitioner was given ample opportunity during the enquiry and the Enquiry Officer has observed the principles of natural justice.

7. Arguments heard u/s 11A of the Industrial Disputes Act, 1947 by both counsels. The Learned Counsel for the Petitioner vehemently contended that the Petitioner has become permanent partial disabled person on account of the accident while doing duty under the Respondent and that the petitioner has made representation to provide him alternative suitable job but the same was not considered. The Petitioner absented because of his ill-health. On the other hand the Learned Counsel for the Respondent contended that Petitioner is habitual absentee and previously an enquiry was conducted by issuing charge sheet for his absenteeism in the year 2000 and the charges are proved but no disciplinary action was taken on account of the assurance given by the Petitioner to improve his performance. But subsequently the Petitioner absented in the year 2001 for which an enquiry was conducted and further contended that the petitioner has admitted the charge and pleaded guilty. As such Petitioner

was dismissed. He further contended that the accident of the Petitioner took place in the year 1996 and there is no relationship between the dismissal of the Petitioner w.e.f. 6-7-2003.

8. It is not in dispute that the Petitioner was issued with a charge sheet dated 15-2-2001 for working only 59 days in the year 2000 and the Petitioner has given explanation admitting the absence, he pleaded that he was absented because of his illness and admitted the charge, though the Enquiry Officer held that the charge against the Petitioner was proved, no disciplinary action was taken on the assurance given by the Petitioner that he will improve his performance in future. The Petitioner has not produced any record regarding his illness during the enquiry.

9. The Petitioner absented from January, 2001 to December, 2001 for which a chargesheet was issued on 18-3-2002 by appointing an Enquiry Officer. The Petitioner has submitted his explanation dated 26-3-2002 admitting that he was absent from January, 2001 to December, 2001 and pleaded that he applied for voluntary retirement on health grounds, to give a chance for employment to his son in the month of February, 2001 and thereafter he absented himself and remained at his home expecting the acceptance of his voluntary retirement. However, he was informed in December, 2001 that his request for voluntary retirement was not accepted and as such he resumed his duties on 14-12-2001. The plea of the Petitioner is that since he applied for voluntary retirement he is under the impression that he need not go to his duty. Petitioner has admitted the charges against him and pleaded guilty during the enquiry. In spite of admission made by the Petitioner to Enquiry Officer has examined two witnesses regarding his absence from duty and concluded that the charge against Petitioner is proved. On the basis of the enquiry report the Disciplinary Authority Chief General Manager, Ramagundam Area-1 has issued a show cause notice dated 17-10-2002 to submit his explanation within 7 days. The Petitioner did not choose to file any explanation. Therefore, Disciplinary Authority has passed orders of dismissal dated 27-6-2003 holding him guilty of misconduct under the Company's Standing Orders No. 2525.

10. The Petitioner has taken plea that he could not attend to his duty because of his illness. But he did not file any record before the Enquiry Officer about his illness. It should be noted that whenever any worker reports sick he has to obtain certificate from the Company's medical officer under medical attendance rules. The Petitioner who has contended that he could not attend his duty due to illness did not file any medical record to that effect. The previous conduct of the Petitioner also shows that he was regular absentee in the previous years. It appears the explanation given by the Petitioner discloses that he was absent because he was under the impression that his

application for voluntary retirement will be accepted and he need not go to the duty from the date of filing his application which is misconceived. The Enquiry Officer in spite of taking the plea of guilty has conducted enquiry, examined two witnesses and concluded that the charges against the Petitioner were proved on the basis of the records. I do not see any infirmity or insufficiency of evidence in the conclusions of the Enquiry Officer. The Disciplinary Authority also on perusing the material on record and considering the past conduct of the Petitioner has rightly held that there are no extenuating circumstances to take a lenient view.

11. The punishment imposed by the Disciplinary Authority for unauthorized absenteeism of the Petitioner is commensurate with the gravity of the charge and I do not see any ground to reduce the punishment.

12. Further, it should be noted that the accident of the Petitioner took place in the year 1996 and the Petitioner was absent in the year 2001 and there is no nexus between the accident and the absenteeism.

13. In view of the circumstances petition is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. K. Phani Gowri, PA, transcribed by her corrected and pronounced by me on this the 28th day of February, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witness examined for the Petitioner :	Witnesses examined for the Respondent :
--	--

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 22 मार्च, 2006

का. आ. 1510.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत हेवी प्लेट्स एण्ड वैस्सलस लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या एल सी आई डी-52/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-03-2006 को प्राप्त हुआ था।

[सं. एल-14025/1/2006-आई. आर. (डी. यू.)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 22nd March, 2006

S.O. 1510.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LCID-52/2005) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Heavy Plates and Vessels Limited and their workmen, which was received by the Central Government on 22-03-2006

[No. L-14025/1/2006-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT:

Shri T. Ramachandra Reddy, Presiding Officer

Dated the 15th day of February, 2006

Industrial Dispute L. C. I. D. No. 52/2005

BETWEEN:

Sri Chinnam Venkata Prabhakar Rao,
S/o Late Samuel,
D. No. 40-54-28,
Sanjeevayya Colony,
Waltair R. S. (P. O.),
Visakhapatnam-4.

... Petitioner

AND

The Managing Director,
Bharat Heavy Plates & Vessels Limited,
B. H. P. V. Post,
Visakhapatnam-12.

... Respondent

APPEARANCES:

For the Petitioner : Sri A. V. Ramana Murthy,
Advocate.

For the Respondent : M/s. D. V. Subba Rao &
D. V. S. S. Somayajulu,
Advocates.

AWARD

This is an application filed by the Petitioner Sri Chinnam Venkata Prabhakar Rao under sub-section 2A of Sec. 2 of Industrial Disputes Act, 1947 against the Respondent M/s. Bharat Heavy Plates & Vessels Limited, Visakhapatnam seeking the relief that his discharge from service by the Respondent Management is illegal and for direction for reinstatement with back wages with all attendant benefits.

2. This application was originally filed before the Industrial Tribunal cum-Labour-Court, Visakhapatnam in I. D. No. 143/2002 and the same was transferred to this tribunal on a point of jurisdiction in view of the Government of India, Ministry of Labour and Employment, New Delhi order No. H-11026/1/2001-ID (C. II) dated 19-11-2004 and renumbered in this Tribunal as LCID No. 52/2005.

3. It is alleged that the Petitioner is aged about 58 years and joined the service under the Respondent as a Gr. IV Fitter on 23-3-70 and continued for about 8 years till 29-4-78. He was discharged from service on 30-4-98 without assigning any reason, without conducting domestic enquiry which is illegal and irregular. He made several representations for reinstatement. But no reply was given.

4. The Respondent Management filed its counter and denied the averments made in the petition pleaded that the Petitioner was discharged from service on 7-4-1975, more than 27 years back and the present dispute raised by the Petitioner is stale and not maintainable.

5. It is settled law that even though there is no limitation prescribed under the Industrial Disputes Act, 1947 the workman cannot be allowed to raise a dispute at his convenience after the lapse of decades. The Respondent is not possessing the entire records pertaining to the Petitioner in view of the lapse of 27 years.

6. It is further submitted that the Petitioner joined as a Fitter on 23-3-70 and his date of birth as per the Secondary School Certificate is 7-9-1942 and that he obtained the age of superannuation had he continued in service. It is further submitted that the Petitioner often misbehaved with his seniors and senior officers. During the year 1972 Petitioner threatened and abused the Supervisor for which a charge memo was issued and he was given censure on 30-1-1973. During the year 1973 he misbehaved with Assistant Superintendent for which he was warned on 2-5-1973 as a measure of punishment. During the year Petitioner misbehaved with the chageman of the Respondent and threatened to beat him for which he was inflicted with the punishment of stoppage of increment for 3 years on 25-9-1974 considering his apology for his misbehaviour. During the year 1974 he was unauthorisedly absent for 39 days for which a charge memo was issued on 20-1-1975. The Petitioner admitted the charge in writing as per his letter dated 20-1-1975 and requested for excuse. A show cause notice was issued to the Petitioner on the basis of his admission dated 31-1-1975 proposing the penalty of dismissal from service. On considering the explanation given by the Petitioner dated 6-2-1975 wherein he admitted his acts of misconduct, a punishment of discharge from service was effected instead of dismissal w.e.f. 7-4-1975 as per orders dated 5-4-1975. It is further submitted that Provident Fund of Rs. 849.60 ps. was sent to the Petitioner through cheque and there is no outstanding payment to the Petitioner. It is further submitted

that when the Petitioner has admitted the charge levelled against him regarding his absenteeism there is no necessity to conduct departmental enquiry.

7. The Petitioner filed his rejoinder contending that there is no bar of limitation applicable to the Petitioner. Further there is no provision under Industrial Disputes Act, 1947 and denied the averments made in the written statement and reiterated the averments made in his application.

8. The Petitioner filed his affidavit as WW1 and got marked documents marked Ex. W1 to Ex. W20. The Respondent filed affidavit of Dy. Manager, Personnel, Mr. S. V. Subba Rao as MW1. He got marked documents Ex. M1 to Ex. M21.

9. The Petitioner has deposed that he worked for the Respondent Company as Fitter from 23-3-70 to 29-4-78 and that he filed service certificates to that effect and that he made several representation for reinstatement to the Management. Those copies of the representations were filed. Further deposed that no domestic enquiry was conducted by that time of discharge from service and no order was communicated terminating his service. Further final payments were not made and the order of discharge is illegal.

10. MW1 has deposed that Petitioner workman was discharged from service w.e.f. 7-4-75 as a result of disciplinary action due to misconduct of absenteeism, after issuing chargesheet and on considering the explanation given by the Petitioner. He further stated that a show cause notice was issued proposing the punishment of dismissal and on considering the explanation submitted by the Petitioner he was discharged and the documents pertaining to the enquiry each punishment imposed to the Petitioner are marked from Ex. M1 to Ex. M15. He further stated that after discharge of the Petitioner he was taken as a casual labourer in December, 1975 on humanitarian grounds on submission of application by the Petitioner. The Petitioner has recorded his date of birth as 7-9-1942 in his application. He further stated that the age for retirement of the employees in the company is 58 years and the Respondent Management issued a circular increasing the retirement age which is below board level employees to 60 years as per guidelines received from the Government of India. Subsequently, the Management has issued a circular dated 10-4-2001 stating the retirement of below board level employees stands rolled back to 58 years as a result of guidelines received from the Government of India, Department of Heavy Industry vide Letter No. 5(4)/2001-PE-IV dated 27-3-2001.

11. The Learned Counsel for the Petitioner contended that the Petitioner is a permanent employee under the Respondent Management and he was discharged without conducting domestic enquiry and notice, in violation of

principles of natural justice which is illegal and arbitrary and further contended that there is no provision regarding the limitation of arising the dispute under Industrial Disputes Act, 1947. As such the delay in approaching this tribunal is of no consequence and further contended that the Management has violated the provisions of Sec. 25F of Industrial Disputes Act, 1947 and relied on AIR 2004 SC page 2562 Sapankumar Pandit Vs. U. P. State Electricity Board and others and AIR 2001 Supreme Court page 672.

12. On the other hand the Learned Counsel for the Respondent contended that Petitioner was discharged in the year 1975 by issuing chargesheet to the employee and on considering his explanation pleading guilty and further a show cause notice regarding the proposed punishment was also issued and further contended that when the Petitioner has pleaded guilty there is no necessity to appoint the Enquiry Officer to conduct regular enquiry and further contended that a representation made by the Petitioner, he was engaged on casual basis after his discharge. Further pointed out that by date of discharge from service on 5-4-1975 no proceedings were pending before any authority as such the provisions of Sec. 25F or Sec. 33(2)(b) of Industrial Disputes Act, 1947, are not applicable. Further contended that Petitioner came to this tribunal 27 years after discharge from service. As such it has to be treated as stale and devoid of any truth and merits. He relied on 2000(2) SCC page 455 Nedungadi Bank Limited Vs. K. P. Madhavankutty and others. He also relied on LLJ, Karnataka Divisional Controller, Karnataka State Road Transport Corporation and S. B. Balli and another and also relied on 2002-II-LLJ page 297 Northwest Karnataka Road Transport Corporation, Hubli Vs. Abdul Salam.

13. The Petitioner has claimed that he was in continuous service right from his date of appointment on 23-3-1970 to 29-4-1978 without any break. But the document Ex. W1 filed by the Petitioner shows that he was employed as a casual Fitter from December, 1975 to 29-4-1978. The documents filed by the Petitioner only shows that he contributed to EPF as a permanent employee from 1970—75 and as a casual labour from December, 1975 to 29-4-1978. In his representation Ex. W5 also admitted that he worked as a Gr. IV Fitter under Production Department w.e.f. 23-3-1970 to 4-7-75 and subsequently he was asked to work as a casual labour after discharge from service in manufacturing section.

14. The documents filed by the Respondent shows that he was guilty of misconduct of habitual absence and that he was discharged from service instead of punishing with a dismissal, to enable the Petitioner for future employment. The Petitioner was given a chargesheet for his habitual absence without leave and the contravening the 23F of the Standing Orders of the Company and the Petitioner has filed his explanation pleading guilty.

Thereupon the Management has issued a memo dated 29-1-1975 stating that he was previously punished thrice and proposed punishment of dismissal and called for his explanation. The Petitioner again filed his explanation admitting the charge of habitual absence from work and requested to excuse him. On considering the explanation the Management has discharged the Petitioner. In view of the admission made by the Petitioner it is found that the charge of habitual absence is proved and issued discharge order.

15. The entire record filed by the Petitioner shows that the Petitioner was given the opportunity to file explanation for the chargesheet and after considering the explanation a further show cause notice was issued proposing the punishment by the Disciplinary Authority. The Petitioner after filing his explanation pleading guilty he was discharged from service.

16. The contention of the Learned Counsel for the Petitioner that the discharge of the Petitioner from service without conducting regular enquiry is arbitrary and illegal, is devoid of any merits and the Petitioner has pleaded guilty to the chargesheet issued to him. There is no necessity for conducting further enquiry and it should be noted that the Petitioner was given ample opportunity to give explanation to the charge as well as to the show cause notice proposing the punishment. Therefore, I hold that the discharge of the Petitioner by the Management is in conformity with the rules.

17. The Petitioner has approached this Tribunal after 27 years after discharge from service. Even though no time limit is fixed under the Industrial Disputes Act, 1947 for raising the dispute the delay and laches on the part of the Petitioner will take away the right to raise the dispute. In the present case the Petitioner has not explained the delay in approaching at this belated stage. At the time of approaching this tribunal no conciliation proceedings are pending. The Petitioner has approached 27 long years later by raising this dispute which becomes a stale dispute. The ruling relied by the Learned Counsel for the Respondent 2000(2) SCC page 455, says that delay of 7 years was found to be long, matter becomes stale and non-existence of an industrial dispute and further held that inspite of absence of statutory limitation period such power cannot be exercised to revive settled matter or to refer stale disputes. The ruling relied by the Learned Counsel for the Petitioner in AIR 2000(I) SC page 2562, the facts are different with the present case. In the said ruling on the date of making reference conciliation proceedings were not concluded and the dispute existed.

18. In view of the facts and circumstances of the case the Petitioner cannot raise the dispute at this belated stage after lapse of decades. In the result, the petition is dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. K. Phani Gowri, P. A. transcribed by her corrected and pronounced by me on this the 15th day of February, 2006.

T. RAMACHANDRA REDDY, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
--	--

WW1 : Sri Chinnam Venkata Prabhakara Rao	MW1 : Sri S. V. Subba Rao
---	---------------------------

Documents marked for the Petitioner

- Ex. W1 : Service certificate
- Ex. W2 : Service certificate dt. 3-5-1978
- Ex. W3 : Copy of Lr. to WW1 from APFC dt. 21-11-92
- Ex. W4 : Pay slip of the workman.
- Ex. W5 : Lr. to the Management by WW1 dt. 11-8-2000
- Ex. W6 : Postal acknowledgement
- Ex. W7 : Lr. to the Management by WW1 dt. 6-5-2002
- Ex. W8 : Postal acknowledgement
- Ex. W9 : Copy of Lr. to the Management by WW1 dt. 10-11-75
- Ex. W10 : Copy of Lr. to the Management by WW1 dt. 19-5-93
- Ex. W11 : Copy of Lr. to the Management by WW1 dt. 12-6-78
- Ex. W12 : Copy of Lr. to the Management by WW1 dt. 2-2-79
- Ex. W13 : Copy of Lr. to the Management by WW1 dt. 18-8-82
- Ex. W14 : Copy of Lr. to the Management by WW1 dt. 6-12-97
- Ex. W15 : Copy of Lr. to the Management by WW1 dt. 15-8-87
- Ex. W16 : Copy of Lr. to the Management by WW1 dt. 23-3-70

Ex. W17 : Copy of duplicate service certificate

Ex. W18 : Copy of offer of appointment

Ex. W19 : Copy of office order No. 206 I/99

Ex. W20 : Copy of paper clipping reg. dismissal order of Sri P. Ramu

Documents marked for the Respondent

- Ex. M1 : Copy of service certificate issued to WW1 dt. 19-2-76
- Ex. M2 : Copy of order of discharge dt. 5-4-75
- Ex. M3 : Copy of chargesheet dt. 8/20-1-75
- Ex. M4 : Explanation of the WW1 dt. 20-1-75
- Ex. M5 : Copy of show-cause notice dt. 29/31-1-75
- Ex. M6 : Representation of WW1 dt. 6-2-75
- Ex. M7 : Explanation of WW1 to Ex. M3
- Ex. M8 : Copy of order of enquiry dt. 7-12-72
- Ex. M9 : Copy of order of censure dt. 30-1-73
- Ex. M10 : Copy of chargesheet dt. 30-3-73
- Ex. M11 : Explanation of WW1 dt. 16-4-73
- Ex. M12 : Copy of order of warning dt. 2-5-73
- Ex. M13 : Copy of chargesheet dt. 21/23-8-74
- Ex. M14 : Explanation of WW1 dt. 23-8-74
- Ex. M15 : Copy of Order imposing penalty to WW1 dt. 25-9-74
- Ex. M16 : Application for employment by WW1 dt. 20-12-75
- Ex. M17 : Representation of WW1 for increase in daily wages
- Ex. M18 : Copy of Lr. issued by the Management dt. 2-6-93
- Ex. M19 : Extract copy from Cash and PF Register of the Management
- Ex. M20 : Stamped receipt given by WW1 dt. 7-4-93
- Ex. M21 : Standing orders.